

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Thursday, September 24, 2007
9:30 a.m. - 11:45 a.m.
301 North Olive Avenue
Jane M. Thompson Memorial Chambers
6th Floor
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny)

Springer

Notary Public

A T T E N D E E S

_____ Addie L. Greene, Chairperson
Mary McCarty, Commissioner
Jess R. Santamaria, Commissioner
Karen T. Marcus, Commissioner
Burt Aaronson, Commissioner
Bob Kanjian, Commissioner

Barbara Alterman, Director, PZ&B

Jon Mac Gillis, Zoning Director

Maryann Kwok, Chief Planner, Zoning

Wendy Hernandez, Acting Principal Planner,
Zoning

Carrie Rechenmacher, Senior Planner, Zoning

Ron Sullivan, Senior Planner, Zoning

Anthony Wint, Site Planner II, Zoning

Douglas Robinson, Planner II, Zoning

Ora Owensby, Senior Planner, Zoning

Erin Fitzhugh, Senior Planner, Planning

Bob Banks, Assistant County Attorney

Isaac Hoyos, Planning Dept.

Bryce Van Horn, Planning

Scott Rodriguez, Planning

Jim Choban, Engineering Dept.

Ken Rogers, Director, Land Development
Division

Allan Ennis, Asst. Director Traffic
Division

Linda Monroe, Monitoring Division

Bob Kraus, ERM

Kenny Wilson, Health Department

Julie Burns, Clerk

Lorraine Cuppi, Senior Secretary, Zoning

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P R O C E E D I N G S

COMMISSIONER MARCUS: Good morning. We're going to go ahead and start the meeting. Would the clerk call the roll, please.

CLERK: Commissioner Aaronson.

COMMISSIONER AARONSON: Here.

CLERK: Commissioner Greene.

CHAIRPERSON GREENE: (No response)

CLERK: Commissioner Kanjian.

COMMISSIONER KANJIAN: Here.

CLERK: Commissioner Koons.

VICE CHAIRMAN KOONS: (No response)

CLERK: Commissioner McCarty.

COMMISSIONER McCARTY: Here.

CLERK: Commissioner Marcus.

COMMISSIONER MARCUS: Here.

CLERK: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Here.

COMMISSIONER MARCUS: Please let the record reflect that Commissioner Greene and Koons will be out this morning, which is why they have asked me to -- or Commissioner Greene asked me to chair the meeting, but our rules require a vote on that, so --

COMMISSIONER AARONSON: I make a motion that Commissioner Marcus chair the meeting.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson.

COMMISSIONER KANJIAN: I'll second that.

COMMISSIONER MARCUS: Second by Commissioner Kanjian.

Discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, unanimous.

We will now go to the opening prayer and Pledge of Allegiance led by Commissioner Aaronson.

(Whereupon, the prayer and Pledge of Allegiance were given.)

COMMISSIONER MARCUS: Do we have proof of publication?

MR. Mac GILLIS: Yes, Madam Chair.

COMMISSIONER MARCUS: Motion to receive and file?

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson.

COMMISSIONER McCARTY: Second.

COMMISSIONER MARCUS: Second by Commissioner McCarty.

Discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, unanimous.

If you -- Mr. Banks, you want to do the swearing in?

MR. BANKS: Yes. Would anyone wishing to testify at today's hearing please rise.

(Whereupon, speakers were sworn in by Mr. Banks.)

MR. BANKS: Thank you.

COMMISSIONER MARCUS: Thank you, Mr. Banks. Adoption of the agenda. Any changes to the agenda, Mr. Mac Gillis?

MR. Mac GILLIS: No.

COMMISSIONER MARCUS: Is there a motion to adopt?

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson.

COMMISSIONER McCARTY: Second.

COMMISSIONER MARCUS: Second by Commissioner McCarty.

Discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, unanimous.

COMMISSIONER MARCUS: Postponements and withdrawals.

MR. Mac GILLIS: Postponements begin on Page 1, Item 1, DOA2006-1694, Friendship Baptist Church, postponed until October 25th.

Item No. 2, Z/CA2006-022, Colonial Lakes, postponed to October 25th.

Page 2 of your agenda, Item No. 3, Z/CA2006-1914, The Residences at Haverhill, postponed to November 29th.

Item No. 4, DOA/R2007-528, Yamato Court MUPD, postponed to November 29th.

Item No. 5, Status Report 1991-042A, Faith United Methodist Church, postponed to November 29th.

Page 3, your agenda item No. 6 -- I'm sorry, not No. 6.

That brings us to the items on the add and delete for postponements.

Item No. 26, Small Scale Comprehensive Plan Amendment 2006-029, Woolbright/Jog Office.

COMMISSIONER MARCUS: Wait, wait, wait.

You're -- I'm sorry. Now you're on Item No. 26 --

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: -- which is on Page -

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MR. Mac GILLIS: Page 9 [sic] of the agenda.

COMMISSIONER MARCUS: Okay. So this is going on the add and delete list?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: And Item No. 27, found on Page 12 of your agenda, PDD2006-960, Woolbright Office Center, postponed until October 25th.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: Item 28, found on Page 13, Small Scale Comprehensive Plan Amendment 2007-018, the Okeechobee Volvo, postponed to October 25th.

Item 29 on Page 13, Z/DOA2007-190, Palm Beach Volvo, postponed to October 25th.

Item 30, we just received this request this morning, PDD -- found on Page 14 of your agenda, PDD2006-502, Seminole Orange Plaza, postponed to October 25th.

COMMISSIONER MARCUS: So it's not moved to consent.

MR. Mac GILLIS: No.

COMMISSIONER MARCUS: It's postponed.

MR. Mac GILLIS: Correct. And also Item 20, PDD2007-055, Southern --

COMMISSIONER MARCUS: Twenty?

MR. Mac GILLIS: Item 20. That's going to go on the postponements.

COMMISSIONER MARCUS: Item 20 --

COMMISSIONER AARONSON: Madam Chair.

COMMISSIONER MARCUS: -- is back on Page --

COMMISSIONER AARONSON: Madam Chair.

MR. Mac GILLIS: Page 9 of your agenda.

COMMISSIONER MARCUS: I'm sorry.
Commissioner Aaronson.

MR. Mac GILLIS: I'm sorry. I'm jumping around.

PDD2007-055, Southern/Sansbury's MUPD, postponed to October 25th, 2007.

COMMISSIONER MARCUS: That's Item No. 20, and that's -- Commissioner Aaronson, did you have a question?

Item Number -- we're back from -- we went from 30 back to 20 on Page 9.

COMMISSIONER AARONSON: I'm going to 30.
Is 30 postponed or --

COMMISSIONER MARCUS: Yes.

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Postponed.

Now back to Page 9, Item No. 20 is now going to be postponed; correct?

MR. Mac GILLIS: Correct.

COMMISSIONER MARCUS: And what else on Page 9 was postponed?

MR. Mac GILLIS: I don't think there was anything else.

COMMISSIONER MARCUS: Nothing else?

MR. Mac GILLIS: No, no other item.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: And the last item will be Item 32 on Page 15 of your agenda, Conditional Use A2006-1930, the South Bay Quarry. They're requesting a postponement to October 25th, 2007.

COMMISSIONER MARCUS: Okay. And --

COMMISSIONER AARONSON: What is that?

COMMISSIONER MARCUS: No. 32.

COMMISSIONER AARONSON: What about 31?

MR. Mac GILLIS: Thirty-one is not postponed.

COMMISSIONER AARONSON: Okay.

COMMISSIONER MARCUS: Thirty-one is not postponed.

So if we move 32 to the add and delete list, that would postpone it automatically for 30 days?

MR. Mac GILLIS: Well, it's up for the Board to make a motion on it.

COMMISSIONER MARCUS: No, I understand that.

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Now I'm going to have to go through these cards and find out how many of these folks really want to talk about that stuff. Okay.

Did we postpone 31?

MR. Mac GILLIS: No.

COMMISSIONER MARCUS: No, we kept that one? Okay.

So 32 does have cards. So do you want to hear from the public before we do the add and delete list? Okay? Okay.

COMMISSIONER McCARTY: And they just speak to the postponement.

COMMISSIONER MARCUS: Yeah. Right. Okay.

Alex Larson. This is on the Item No. 32 to postpone -- yes, they want a 30-day postponement.

MS. LARSON: Very happy to hear that.

COMMISSIONER MARCUS: Could somebody -- hold on a second.

Could you flip those switches down there, turn on the microphones?

MS. LARSON: Is that better?

COMMISSIONER MARCUS: That's good.

MS. LARSON: I'm glad they wanted postponement. Each and every one of you, I'm having -- I gave Commissioner Santamaria one of the -- the Judge's Order from Dade County 'cause I'm looking at the future of Palm Beach County 'cause I went to a meeting in Miami-Dade County

last week, which was amazing, because there were 70 people who did not talk about water. They talked about jobs when it came to rock mining.

I was number 71. I did talk about water, and I did talk about the future of Palm Beach County because everybody in Miami-Dade County said if they stop rock mining there, it'll be the end of the world. They'll never rock mine in Florida again.

And here we do in my area we have about 25,000 acres marked off for digging holes in the ground. So rock mining ending seems to be a myth, and I just wanted you to be aware of that, and as I get it, I gave Commissioner Santamaria the Judge's Order.

I'm going to make each and every one of you a copy of the Judge's Order down in Dade County 'cause I want you to realize the future of Palm Beach County, if we're not very, very careful.

Thank you.

COMMISSIONER MARCUS: Thank you, Alex.

Cindy -- is it Flurry? Fury?

MS. FURY: Fury.

COMMISSIONER MARCUS: There you are, Cindy.

Sorry.

MS. FURY: Good morning. Cindy Fury --

COMMISSIONER MARCUS: Sorry.

MS. FURY: -- Loxahatchee National Wildlife Refuge.

At the September 11th commission meeting I presented some of the Refuge's initial concerns about the South Bay quarry because it's located about 210 feet away from the west side of the refuge.

Our concerns included blasting, noise, lights, dust, water quality, hydrology or water flow, interference with Refuge management activities and potential recreation concerns.

We also advised we hadn't been involved in any of the deliberations up until that time.

But I'm very happy that since then we received technical documents from Rinker. We had a very productive meeting with them, and we also received documents from the County, which we really appreciate.

COMMISSIONER McCARTY: So you support the postponement?

MS. FURY: I'll get to that.

We do support the postponement.

We delivered a letter to you on Friday, an official letter, requesting a 60-day postponement because after our meeting with Rinker we do have additional questions. We still need to -- we still have a lot of concerns, and we want to work through them.

We also want to coordinate with Rinker. We identified some things that could possibly improve the location if all the other effects could be ameliorated, such as moving the rock crushing plant, which is on the eastern side of the project footprint nearest to the Refuge, which has a lot of lights and noise. That's where they're going to be loading the trucks and the train cars, and if that could be moved to the western side, that would alleviate quite a bit of the noise and lights.

We still may have some other issues to work through before we would certainly support this project.

But we do appreciate that there's a 30-day postponement. We just think that as far as the Refuge is concerned and our coordination with Rinker that 60 days would be more appropriate, and so we ask for the 60 days as in our letter.

Thank you.

COMMISSIONER MARCUS: Thank you very much.

We don't have any other cards on that item.

That also was going to be one of my concerns was that 30 days was not enough.

I think we have some issues with Water Management District, and I don't know if Rinker has had a chance to meet with the district yet since they now will accept you in the permitting process prior to this process.

MR. BANYAN: Commissioner, Scott Banyan (ph), Rinker Materials.

We've had a preliminary meeting with the Water Management District. I would hardly call it a technical one.

Our position is we're a little more optimistic that, the 30 days, we ought to be able to solve some of these issues and make good progress and would actually prefer to keep the heat on us and give us the 30-day extension.

And if it appears as though we're not making good progress or have not had some good success, we'll be back in front of you for an additional postponement, and I hope you won't hold that against us, but we would like to keep the momentum moving and all the energy that has been generated so far with the Wildlife Refuge and the Water Management District, and we'd like your support on the 30-day delay and your trust in us that we'll operate within that time frame as effectively and efficiently as possible.

Thank you.

COMMISSIONER MARCUS: And, of course, my issue's going to be is that you've had some meaningful review from the Water Management District. So I don't know that you can do that in 30 days, but --

MR. BANYAN: Well, why don't you -- if you don't mind, we will be happy to share with you ahead of the next commission meeting the precise progress that we've had relative to the Water Management District and to the Refuge and others, and I think that you'll be able to see that we're working hard.

COMMISSIONER MARCUS: Is -- what's the pleasure of the Board on the --

COMMISSIONER SANTAMARIA: I have a comment.

COMMISSIONER MARCUS: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah. The difference between 30 and 60 days I think is not much difference.

And on an issue as important, a major issue as important as this one, I would support the 60-day extension.

COMMISSIONER MARCUS: Do you want to make that a motion?

COMMISSIONER SANTAMARIA: Yes.

COMMISSIONER MARCUS: Motion by Commissioner Santamaria. Is there a second?

(No response)

COMMISSIONER MARCUS: I would second for discussion.

COMMISSIONER AARONSON: I'll second for discussion.

COMMISSIONER MARCUS: Under discussion, Commissioner Aaronson.

COMMISSIONER AARONSON: We want to wrap this up and, you know, I look at this as a -- we want to make sure that the reports that we get back from South Florida Water Management -- it's like if you would visualize an operation.

Unless you know what's there before you open up the body, once you open it up it's like a cancer. Sometimes you open it up and it spreads, and it spreads all over, and that's one thing we don't want to happen.

If we can get the report back from South Florida Water Management in a timely fashion within 30 days with the reports that would satisfy everybody that mining will not affect the water and the systems that we have, we should be able to do it in 30 days.

If we cannot be satisfied, then the mining, Rinker and others, will have to take another postponement until we find and come to a conclusion that satisfies the people and the commission and everybody concerned with it.

So I find nothing wrong with a 30-day postponement, providing it is agreed upon that if the reports have not come back and the staff is not satisfied with the reports, and we're not satisfied, that it'll take another 30 days and

another 30 days until such time as the report is complete, and we feel that it justifies going forward.

COMMISSIONER MARCUS: Is that a substitute motion?

COMMISSIONER AARONSON: Yes.

COMMISSIONER MARCUS: For 30 days?

COMMISSIONER McCARTY: Second.

COMMISSIONER MARCUS: Motion substitute by Commissioner Aaronson, second by Commissioner McCarty.

Any other discussion?

Barbara.

COMMISSIONER SANTAMARIA: Yeah, I just want --

COMMISSIONER MARCUS: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, as long as it's clear in everybody's mind that we keep on postponing it until we're 100 percent clear on, you know, the merits or lack of merits of the applicant.

So as long as everybody understands that it may continue being postponed until everybody, you know, is reasonably satisfied with the results of the studies.

COMMISSIONER AARONSON: My motion does state that --

COMMISSIONER SANTAMARIA: Yeah, I got -- I got your motion.

COMMISSIONER AARONSON: -- 30 --

COMMISSIONER SANTAMARIA: And I'm willing -

COMMISSIONER AARONSON: Thirty, 60, 90, 120 --

COMMISSIONER SANTAMARIA: I'm willing to support your -- your motion, based on that clear understanding that, you know, it could be postponed a second and a third time.

COMMISSIONER AARONSON: My motion is to postpone for 30 days or until we're satisfied with the results that come forward.

COMMISSIONER MARCUS: Barbara.

MS. ALTERMAN: I don't want to speak for the Water Management District, but we have been speaking with them about a study, and it's my distinct impression from them that a study is not going to be complete and they're not going to have results to present to you within 30 days or 60 days or probably even some -- somewhat longer than that, and I don't want to contemplate how much longer that would be.

COMMISSIONER AARONSON: And that -- and that's what my motion states, that it would be postponed each time until the reports come through.

COMMISSIONER MARCUS: Yeah, there's a whole lot more issues. As a matter of fact, the staff is now recommending denial of this petition; correct?

MR. Mac GILLIS: That's correct.

COMMISSIONER MARCUS: Okay.

All right. We have a substitute motion and a second on the floor to -- for a 30-day extension.

Any discussion.

(No response)

COMMISSIONER MARCUS: All in --

COMMISSIONER AARONSON: I want that --

COMMISSIONER MARCUS: Clearly, that is --

COMMISSIONER AARONSON: I want a 30-day extension, but unless reports come forward, it keeps on getting postponed for 30 days at a time until completion of the report.

COMMISSIONER MARCUS: It will have to come back to the Board to be postponed, but it should be postponed if there isn't some completion to some of the review process.

All right. We have a motion --

COMMISSIONER KANJIAN: Madam Chair.

COMMISSIONER MARCUS: Yes. Commissioner Kanjian.

COMMISSIONER KANJIAN: I have a question on Commissioner Aaronson's motion.

I think we should postpone it. I'm okay with postponing it. I think we have a 40-year project that whether it 's 30, 60 or 120 days, that will pale in comparison to the project being 40 years.

However, the substitute motion seems rather open-ended. I think we can make the same motion once again in 30 days. I'd rather leave it at 30 days now and just move forward, not that I disagree with your sentiment, but just to say innocuously, well, until we get the reports we want, sounds a little bit --

COMMISSIONER AARONSON: Well --

COMMISSIONER KANJIAN: -- little bit vague for a motion.

COMMISSIONER AARONSON: My motion states that until the reports come back from South Florida Water Management, and if they do it and complete it within 30 days, we will be able to speak about it.

COMMISSIONER KANJIAN: What would that report be called, and what is that report name so that I can make sure that we understand exactly what we'd be voting on?

COMMISSIONER MARCUS: Well, I think he's looking for a review of the permitting, perhaps, of -- from the Water Management District.

COMMISSIONER AARONSON: The effect that will have on our water system.

COMMISSIONER MARCUS: And I think Barbara has said that that may take a little time, but I think also the issues of the Wildlife Refuge and other issues need to be resolved, too. It's not just Water Management District.

COMMISSIONER AARONSON: Let's be realistic.

MR. BANKS: The effect is that the -- this is a 30-day postponement, it will come back to the Board. If the Board wants to postpone it again, it'll have to vote to postpone it again.

COMMISSIONER MARCUS: Right. It will take an action of this Board.

COMMISSIONER AARONSON: And let's be realistic about something.

You know, when we talk about mining and the need for rock, right now the building industry is in the doldrums. There is no immediate need for rock at this time, and another 30 days or another 60 days or another 90 days will not impact on the building industry or anybody else.

I do appreciate the fact that Rinker wanted to postpone it for 30 days. I compliment them on that, but let's go forward and let's call the question.

COMMISSIONER McCARTY: Well, I just have one --

COMMISSIONER MARCUS: Commissioner McCarty.

COMMISSIONER McCARTY: Yeah, I just -- for a point of clarification, we're not requiring a permit from the Water Management District before we --

COMMISSIONER MARCUS: No.

COMMISSIONER McCARTY: -- take this issue up; correct?

COMMISSIONER MARCUS: No.

COMMISSIONER McCARTY: Okay. Thank you.

COMMISSIONER MARCUS: I think we just want them to have some level of review or let them tell us what they want to do.

COMMISSIONER KANJIAN: Madam Chair, just -- and I hate to ask for another clarification, but I don't really see a big -- understand the difference between 30 days and 30 days until we find something we like.

I would be very happy to vote for a 30-day extension. The innocuous "until we get something back that was okay," I don't know that I feel comfortable with that, so I'd vote --

COMMISSIONER MARCUS: You're only voting --

COMMISSIONER KANJIAN: -- against that substitute, but I'd vote for a 30-day straight --

COMMISSIONER MARCUS: You're only voting on a 30-day postponement. That's all you're voting on.

COMMISSIONER KANJIAN: If that's all we're voting on, a 30-day postponement --

COMMISSIONER MARCUS: That's all we can -- that's all we can do right now, is a 30-day.

COMMISSIONER KANJIAN: But I'm confused as what the substitute --

COMMISSIONER MARCUS: Well, I think he's trying to give the applicant and everybody else in the audience some idea about when it comes back in 30 days, what he'll be looking for.

COMMISSIONER AARONSON: Okay.

COMMISSIONER MARCUS: Is that --

COMMISSIONER AARONSON: To clarify it, Mister -- Commissioner Kanjian, the fact of the matter is if it comes back and we don't have a report from South Florida, I'm going on record right now that I will not approve it next time, and ask for 30 days, and if it doesn't come back in that next 30 days, I will make a motion once again to postpone it again for 30 days.

COMMISSIONER MARCUS: We have a substitute motion and a second.

All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, unanimous, with all the caveats that went with that motion.

Okay.

MR. Mac GILLIS: We need a motion on the overall add --

COMMISSIONER MARCUS: But -- but I've still got some cards here. Sorry.

Alex, Item No. 30 got -- is going on the add and delete, also?

MR. Mac GILLIS: Which one?

COMMISSIONER MARCUS: No. 30?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: You had a card on that. Did you want to speak on that, also?

And, also, is No. 25 on the add and delete?

MR. Mac GILLIS: No, not for postponements.

COMMISSIONER MARCUS: Okay.

MS. LARSON: When this was presented to the people out where I live, the Seminole Orange Plaza, one, it's a -- you know, it's going to be a drugstore.

Two, we were going to have road improvements which have been taken off the road plan by George in the recent last couple of weeks. It, you know, roads were removed for improvements in that area.

So I think we ought to re-look at this one because I think the road improvements were a part of the package that was sold to everybody.

COMMISSIONER MARCUS: But we're going to postpone it 'til the next meeting, so --

MS. LARSON: Okay. Good. No, well, they said added -- it was said add to consent. That's why I put my card in.

COMMISSIONER MARCUS: No, it's --

MR. Mac GILLIS: It's post -- the applicant came this morning, and apparently they're trying to resolve some --

COMMISSIONER MARCUS: It says move --

MR. Mac GILLIS: -- engineering condition.

MS. LARSON: I'm sorry. It said move to consent and amend, so I was -- that's what I was going by.

COMMISSIONER MARCUS: Okay. But now he's deleting it.

MS. LARSON: Thank you.

COMMISSIONER MARCUS: Or he's postponing it, so --

MS. LARSON: I appreciate that --

COMMISSIONER MARCUS: Okay.

MS. LARSON: -- 'cause maybe they'll look at the road.

COMMISSIONER MARCUS: Okay. All right. Thank you.

Now we can do a motion to adopt the add and delete list?

MR. Mac GILLIS: Yes, the postponed agenda.

COMMISSIONER MARCUS: Postponed agenda.

COMMISSIONER KANJIAN: So moved.

COMMISSIONER MARCUS: The motion by Commissioner Kanjian, second by Commissioner --

COMMISSIONER AARONSON: Second.

COMMISSIONER MARCUS: -- Aaronson.

Discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, unanimous.

MR. Mac GILLIS: And Page 3, we have one withdrawal Item No. 7. We don't need a motion. That's by right.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: That was the 2006-1555 Vivendi.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: That brings us now to Page 4 of the agenda. Four through nine is the consent agenda.

COMMISSIONER MARCUS: Anybody --

MR. Mac GILLIS: I can go through them one by one --

COMMISSIONER MARCUS: Well, unless you have anything to add to any of them, any language to add to any of them?

MR. Mac GILLIS: Other than what's on the add and delete, we have -- we had a request this morning to add No. 6, found on Page 3 of your agenda, Status Report 1997-034.4, Morosa Circle Track.

COMMISSIONER MARCUS: So you're adding that to consent?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: And that would be Item No. 6 added to it?

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Okay. Does anybody have anything they want to pull on the consent agenda, Pages 6 through 9 -- I'm sorry, 4 through 9?

COMMISSIONER MARCUS: Do we have -- we have to do disclosure on them if anybody met -- does anybody have any disclosure on any of the consent items, Pages 4 through 9?

COMMISSIONER KANJIAN: I do, Madam Chair.

COMMISSIONER MARCUS: Okay. Commissioner Kanjian.

COMMISSIONER KANJIAN: Let's see, maybe not. No. 10. Let's make sure.

No, I apologize. It was just No. 10.

COMMISSIONER MARCUS: Okay. Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, on Item 17 I had a communication with Gary Brandenburg.

COMMISSIONER MARCUS: Okay. Anything else, Mister -- anybody else?

I have disclosure on Item No. 9, Item No. 10. They all come see me 'cause they're use it or lose it stuff.

Item No. 20, which has been postponed.

So those are my items.

So now I'll entertain a motion for adoption of consent.

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson.

COMMISSIONER McCARTY: Second.

COMMISSIONER MARCUS: Second by Commissioner McCarty.

Discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, unanimous.

COMMISSIONER MARCUS: We will now go to our regular agenda.

MR. Mac GILLIS: Yes, which begins on Page 10, Item No. 21, Status Report 1981-152D.6, Boynton Trail Centre, Pages 294 through 299 of your backup material.

Linda Monroe will present this.

COMMISSIONER MARCUS: I'd entertain a motion for approval, or Linda can make a presentation.

MS. MONROE: I won't make a long presentation except to say that it -- the project meets the traffic performance standards because 80 percent of the project is built out. The only thing remaining is an 11,200 square foot retail building. So we recommended a time extension until July 1st, 2009.

COMMISSIONER MARCUS: Is there a motion?

COMMISSIONER AARONSON: So moved.

COMMISSIONER MARCUS: Motion by
Commissioner Aaronson.

COMMISSIONER McCARTY: Second.

COMMISSIONER MARCUS: Second by
Commissioner McCarty.

Discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, 5-0.

COMMISSIONER MARCUS: Item No. 22.

MR. Mac GILLIS: Status Report 1987-0241.5,
the Lantana Road PCD, Pages 300 through 305.

Linda Monroe will present this.

MS. MONROE: This project also is greater
than 80 percent built out. All the roads
operate -- although effective roadways operate at
level of service B or C.

The unbuilt area is a 16,165 square foot
building, and there's a 30,932 square foot outdoor
storage area that has not been completed.

COMMISSIONER AARONSON: Motion to approve.

COMMISSIONER MARCUS: Motion by
Commissioner Aaronson to approve.

COMMISSIONER KANJIAN: Second.

COMMISSIONER MARCUS: Second by
Commissioner Kanjian.

Discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, 5-0.

COMMISSIONER MARCUS: Next, Item 23.

MR. Mac GILLIS: Status Report 1987-152C.6,
Southern Self Storage, Pages 306 through 311.

Linda Monroe will present this.

MS. MONROE: This project meets the traffic performance standards by virtue of being an insignificant project.

Phase II is the only unconstructed part. It's a self-storage area of 12,319 square feet.

VICE CHAIRMAN ANDERSON: Motion to approve.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson.

COMMISSIONER KANJIAN: Second.

COMMISSIONER MARCUS: Second by Commissioner Kanjian.

We have a card, but he only wants to answer questions so -- and I don't have any questions.

All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, 5-0.

MR. Mac GILLIS: Brings us to Page 11, Item 24, Status Report 1996-026.7, Bagels to Go, Pages 312 to 317.

Linda Monroe will present this.

COMMISSIONER MARCUS: I do have a question before you present.

This is for an outparcel, like a gas station?

MS. MONROE: No, this is -- you're talking about Item 24.

COMMISSIONER MARCUS: Twenty -- yes.

MS. MONROE: Are we on the same one?

COMMISSIONER MARCUS: Oh, yes. Yes.

MS. MONROE: Twenty-four.

COMMISSIONER MARCUS: Right.

MS. MONROE: It was known as Bagels to Go. I don't know whether -- since it's been so long since this was approved, I don't --

COMMISSIONER AARONSON: You get gas. You don't buy gas.

COMMISSIONER MARCUS: It called it an outparcel so I wasn't sure --

MS. MONROE: Where is it listed as an outparcel?

COMMISSIONER MARCUS: It just talked about it somewhere in here.

Is this -- I guess my question is does this meet the Westgate CRA area?

MS. MONROE: Yes, this is in the Westgate CRA and --

COMMISSIONER MARCUS: But does it meet their master plan having Bagels to Go?

MS. MONROE: Yes.

MR. Mac GILLIS: This is part of the review -- would this -- Linda, would this have gone through the CRA for approval?

MS. MONROE: Yes, it would have.

MR. Mac GILLIS: Yeah. This is an old approval, so it may not be, you know -- the new master plan was only adopted in -- last year, so -

COMMISSIONER MARCUS: That was my question, is did it --

MR. Mac GILLIS: -- they may have had a site plan already approved and --

MS. MONROE: All right. If it's been -- if there's a new one since then, no, I can't -- then I might have answered that incorrectly.

MR. Mac GILLIS: The site plan was approved, looks like in 1996, so --

COMMISSIONER MARCUS: Right.

MR. Mac GILLIS: -- they already had an approved plan for this on file so they're just coming in asking for the extension.

COMMISSIONER MARCUS: I guess what I'd like is for us to maybe give this a little bit of a postponement, send it back to the Westgate CRA and make sure it matches their master plan.

It's kind of, you know, it's right there on Congress Avenue. It's sort of part of their footprint.

MS. MONROE: Since I've not heard anything about them being anxious to move forward, I don't think a postponement would create a problem.

COMMISSIONER MARCUS: Okay. If the Board doesn't mind giving them a 30-day postponement and letting the Westgate CRA look at this.

MS. MONROE: Would you change that to 60-day since our reports are almost done for next month --

COMMISSIONER MARCUS: Sure.

MS. MONROE: -- and we need time to communicate with them.

COMMISSIONER MARCUS: That's okay, and there's nobody here. Nobody's pulled a card on this item, so --

MS. MONROE: Make that November 29th?

COMMISSIONER MARCUS: Okay. Is there a motion?

COMMISSIONER McCARTY: I'll make a motion to that.

COMMISSIONER MARCUS: Motion by Commissioner McCarty.

COMMISSIONER KANJIAN: I'll second.

COMMISSIONER MARCUS: Second by Commissioner Kanjian.

Under discussion, this is for a 60-day postponement to November 29th so that the Westgate CRA can have a chance to look at this.

All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes,
unanimous.

Thank you.

MR. Mac GILLIS: Brings us to Item 25, the Small Scale Amendment 2007-039, Belvedere/Sansbury Commercial.

Scott Rodriguez will present this from Planning.

COMMISSIONER MARCUS: Which is Item No. 25 on our agenda?

MR. Mac GILLIS: Yes.

COMMISSIONER KANJIAN: Madam Chair, I met with the applicant on this one.

COMMISSIONER MARCUS: Okay. We want to do disclosure first.

Commissioner Aaronson.

COMMISSIONER AARONSON: Met with nobody.

COMMISSIONER MARCUS: I believe I met with the applicant, yes.

Commissioner Santamaria on Item No. 25.

COMMISSIONER McCARTY: I don't know what it -- who's the applicant?

COMMISSIONER MARCUS: It's Chris Barry?

MS. ALTERMAN: Yeah, Chris Barry.

COMMISSIONER McCARTY: Oh, yes.

COMMISSIONER MARCUS: Yes. Commissioner Santamaria met with the applicant, and Commissioner McCarty met with the applicant, also. Okay. All right.

MR. RODRIGUEZ: Good morning. Scott Rodriguez, with the Planning Division.

The request before you is the Belvedere/Sansbury small scale that proposes a land use designation change within the Belrub planned development from industrial to commercial high with an underlying industrial designation.

The subject site is a 2.15-acre parcel and is comprised of two vacant buildings totaling four -- 16,000 square feet of retail and office-type uses.

The subject site is located at the southwest corner of Belvedere Road and Sansbury Way, and the proposed amendment is to allow for a Dunkin' Donuts.

COMMISSIONER MARCUS: For a Dunkin' Donuts?

MR. RODRIGUEZ: To the north of the subject site is Breakers West residential community with an LR-2 designation. To the west and south of the subject site are developed industrial lands within the Belrub planned development that consists of the Palm Beach Post warehouse facility and warehouses with accessory office buildings.

To the east is a tract of land that was amended in May of 2001 from industrial to commercial high, and it still remains vacant.

As such, Planning is recommending denial of the proposed amendment as it fails to meet Board direction to retain properties with existing industrial future land use.

Retail uses are permitted within the planned development, but they are limited, however. There are currently retail uses that would support an industrial designation without reviewing a land use change.

Need has not been demonstrated, and it does not meet Comp Plan policy.

And I want to take you back to the commercial high designation to the east again and show you that it is still vacant.

Applicant's basis is that -- bases their need on this tract which has no development activity since 2001. That doesn't constitute a rationale for economic growth and its impacts.

LUAB recommended denial in a September 7th, 2007 hearing.

And, in conclusion, the applicant has not provided adequate justification and has not demonstrated need for a land use change on the subject site; therefore, staff recommends denial on the proposed amendment from industrial to commercial high.

And that concludes my presentation.

Thank you.

COMMISSIONER MARCUS: Thank you.

COMMISSIONER AARONSON: Madam Chair.

COMMISSIONER MARCUS: Commissioner Aaronson.

COMMISSIONER AARONSON: I just want to make a disclosure.

I have not met with anybody but have received a letter from an attorney for the applicant, so I just want you to know that.

COMMISSIONER MARCUS: On this item.

COMMISSIONER AARONSON: But -- yes, but I did not meet with anybody.

COMMISSIONER MARCUS: Okay. Thank you very much for clarification.

Are we going to do the zoning item at the same time?

MR. Mac GILLIS: There is no --

COMMISSIONER MARCUS: There is no zoning. It's just small scale.

MR. Mac GILLIS: Yes.

COMMISSIONER MARCUS: Okay. Any questions by the Board of the staff?

Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, I'm going to -- well, I'm going to make the motion that we do approve it and then hopefully get a second for discussion.

COMMISSIONER MARCUS: Well, do you want to let the applicant make a brief presentation, if we can go through that process, and we have cards, also --

COMMISSIONER KANJIAN: Okay.

COMMISSIONER MARCUS: -- from the public.

COMMISSIONER KANJIAN: Thank you, Madam Chair.

COMMISSIONER MARCUS: If the applicant wants to make a presentation.

MS. HALPERIN: I appreciate the motion. Thank you.

Good morning. Ellie Halperin. I'm the attorney for the applicant. I have with me Duncan Miller and Robert Miller, who own the property, and Jon Schmidt and Chris Barry of Jon Schmidt and Associates who are the land planners.

This project was approved in 1976 as an industrial land use with a special exception as a planned industrial development.

In 1992 it received a concurrency exemption for office, wholesaling and retail commercial.

In 2001 a master plan was approved which designated where these uses would be put on the overall property.

The one lot we're talking about, the 2.15 acres, is on the corner of Belvedere and Sansbury, and it is authorized for wholesaling business office, retail, commercial on this corner lot with the 2001 master plan.

In 2005, a site plan was done specifically for Lot 3 with 1,000 office and 1,000 -- and 1500 retail as the designated uses on that corner.

When my client purchased, designed and constructed the property, he anticipated that retail and commercial were interchangeable terms, one and the same, as many people on the street would believe, but this is a distinction with a difference in this case.

The ULDC since -- over time has severely limited the definition of retail use.

Retail use is an establishment providing general retail sales. Typical uses are clothing stores, bookstores, business machine sales, food and grocery stores, excluding convenience stores, window tinting, marine supply stores.

There are many uses that are not allowed on the property that the client has been -- my client and the property owner has been approached that would typically fit what you would think is retail but only fall within personal services and other commercial uses.

For instance, he can have a beauty supply store but cannot have a hair and nail salon. We can have a paper supplier, invitation store, but no printing can take place on the premises to print the invitations. You can have a food store, but there can't be any take-out with a deli in it. They can have a bakery but cannot have a coffee shop.

The staff finds that the land use is not consistent with the Comprehensive Plan for several reasons, the primary of which seems to be no demonstration of need when in fact Mr. Miller has had tenants approach him to occupy the premises, but the uses are not allowed, which is the underlying reason why we've made the application for the land use change.

In addition, it does fulfill two of the policies of the UL - of the Comp Plan. The property is located within the US tier, it's located on an arterial roadway, and it has an underlying industrial land use.

Moreover, by changing this to CH it fills another policy of trying to reduce inconsistencies. There is no requirement for a zoning change because the zoning is consistent with an underlying land use of CH, and this would reduce the inconsistency.

This would allow the property to meet the needs of the surrounding industrial uses. There is no restaurant close by for the people that work in the area, in the industrial area and the Palm Beach Post and the utilities and the Auto Auction without going out to State Road 7.

This would allow them to get to a local restaurant for lunch and other services without having to go out on State Road 7, and we all know we're trying to keep traffic off of that road.

The owner also recognizes that this is not an appropriate corner for certain uses being located diagonally across from King's Academy, and he has agreed to a prohibition against any adult entertainment, any liquor stores and any adult bookstores.

We contacted King's Academy, and I do have a letter in support from the president, Jeffery

Loveland, provided those conditions and restrictions are imposed on the property.

We also contacted the Breakers West Association but did not receive a reply.

We're available for any questions or comments after public presentation --

COMMISSIONER MARCUS: Thank you.

MS. HALPERIN: -- if there's any response.

COMMISSIONER MARCUS: We do have one card.

Are there any questions by the Board prior to going to the public?

(No response)

COMMISSIONER MARCUS: If not, Mr. Charles Baumann is here.

MR. BAUMANN: Good morning. I'm Charlie Baumann. I'm a vice president of Breakers West Association.

COMMISSIONER MARCUS: Can you just pull your microphone up just a little bit.

MR. BAUMANN: Right.

COMMISSIONER MARCUS: There you go.

MR. BAUMANN: That okay?

COMMISSIONER MARCUS: Thank you.

MR. BAUMANN: We were unaware of the denial of the application by the staff, but we do support their denial.

COMMISSIONER MARCUS: So you support the staff recommendation of denial?

MR. BAUMANN: Yes, we do.

COMMISSIONER MARCUS: You don't want any of the more retail uses in there?

MR. BAUMANN: No.

COMMISSIONER MARCUS: Okay.

MR. BAUMANN: Thank you.

COMMISSIONER MARCUS: Thank you.

We'll come back to the Board for questions. Commissioner Kanjian, did you have your light on?

COMMISSIONER KANJIAN: Well, I mean as I reviewed this, I was looking at -- I'm glad that the applicant talked about 1976. That was a long time ago for me. I'd just turned 10 years old, so when I look at these things and think of them -- how long it took to get to this point, and there's a lot of confusion there, I have concern on this deal because this place is already built. It looks very, very nice.

It is vacant and is not doing anybody any good, and it appeared to me that our denials were based upon our Comp Plan situation concerning industrial lands, but at this point in time it can't be used for industrial lands the way it's laid out to start with.

So how would we -- how would the applicant use this under our Comp Plan as industrial lands? What could they do with the physical building the

way it's built today, brand new, done under new codes, the whole thing, what would they do to make this industrial?

MR. Mac GILLIS: Currently right now I provided them -- I think it was indicated in the applicant's backup material on August 12th.

This was the subject of a hearing officer, an appeal to whether or not that use could go into this site. The hearing officer upheld my decision that this -- the fast food Type I restaurant wasn't a permitted use in IL.

We did provide them a list. The -- I believe this is the list up here that we provided the applicant after working with them, what type of uses they could put in this as it's currently zoned and site planned.

So there is uses, but it's -- they're not in the nature of more commercial uses, such as fast food restaurants and stuff, which is what the applicants really -- I believe the applicant indicated designed the building to be more retail, rather than uses -- if they were of a commercial nature, were supposed to supplement the industrial MUPD.

COMMISSIONER MARCUS: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, I visited the site last week, and I drove around the area, and I find the uses asked are in fact compatible to the surrounding area. I don't see any real negative impacts in the surrounding communities to this particular site.

I'm particularly interested in the concerns, if any, of the Christian school across the -- diagonally across the street, and after finding out that in fact the King's Academy in fact supports this projects -- this project, you know, confirms, it really does no harm to the surrounding area.

And as long as they agree -- as long as they agree to remove certain objectionable uses, and specifically adult-type businesses, I fully support this project because I find it actually compatible to the -- to the environment, and I see no reason to deny it, other than the fact that the Code, you know, disallows some of these uses, which in fact fit in to this particular area.

This particular area could very easily support the requested uses.

So as long as the applicant confirms in writing that adult-type businesses that would be objectionable to the Christian school diagonally across the street, I will support approving it.

MR. BANKS: Just -- can I just offer something?

The ULDC doesn't allow --

COMMISSIONER MARCUS: You need to turn your microphone on.

MR. BANKS: Okay. Adult entertainment's not allowed within 1,000 feet of any school facility, so they couldn't put adult entertainment if it's across -- if it's within 1,000 feet, they can't do it, anyway, so -- you draw a circle around there.

COMMISSIONER SANTAMARIA: Well, what about books and magazines?

MR. BANKS: Well, if it's an adult entertainment facility, whether it's a bookstore or whatever --

COMMISSIONER SANTAMARIA: But it's not entertainment, selling -- you could have a store -
-

MR. BANKS: Those are still classified as adult entertainment.

COMMISSIONER MARCUS: What about bars, you know, alcohol, ABC Liquors? Are we -- is one of the conditions to prevent those, also?

MR. VAN HORN: I believe -- I'm sorry. Bryce Van Horn, with the Planning Division.

I believe one of the objections was to a cocktail lounge from King's Academy and a liquor store.

I would probably need some input from Zoning for the liquor store use, if that's classified as a -- is that general retail?

MR. Mac GILLIS: It's permitted.

MS. HERNANDEZ: A cocktail lounge is permitted with a CH land use.

COMMISSIONER MARCUS: So the request would be to not permit a cocktail lounge or an ABC Liquor type or liquor store.

COMMISSIONER SANTAMARIA: Liquor sales.

COMMISSIONER MARCUS: Or adult entertainment; is that correct?

COMMISSIONER AARONSON: Well, you would make it so as nothing that dispenses alcohol.

COMMISSIONER SANTAMARIA: Yes, that's a --

COMMISSIONER MARCUS: No alcohol sales allowed in the plaza.

MR. VAN HORN: And I think because this is for a land use amendment, those type of restrictions are more appropriate through the zoning process, and you probably might have to direct staff, I'm not sure --

MR. CHOBAN: It's already built, though.

COMMISSIONER MARCUS: To reinitiate the petition or bring the petition back?

MR. VAN HORN: Well, I think the site plan would probably come in through final DRO.

MR. Mac GILLIS: Yes, but I don't --

COMMISSIONER MARCUS: How do you condition this?

MR. Mac GILLIS: I think -- I have to direct this to the County Attorney --

COMMISSIONER KANJIAN: I think maybe the applicant could also --

MR. Mac GILLIS: I think it's appropriate they could put a condition on this land use amendment.

COMMISSIONER MARCUS: Bob Banks.

MR. BANKS: It's just unusual here 'cause typically the zoning comes after the land use. So if there's a restriction, we then add it to --

COMMISSIONER MARCUS: Well, not -- let me ask you a question, Mr. Banks.

Can we, because there are some conditions that, even though this applicant's voluntarily agreeing to it, it's probably not the right spot to do it in the Comp Plan and be hard to uphold, is it appropriate for us, if we approve this today, to ask that the site plan or something be brought back to the Board so that we can put those specific conditions on there, and it will run with the property?

That would be my concern is that the -- it's a Comp Plan, and somebody's going to forget down the road and whatever, and the next thing you know you've got, you know --

MS. HALPERIN: Commissioner --

COMMISSIONER MARCUS: -- So and So's Bar -- could you wait a second -- Bar and Grill to show up, and you don't want that to happen.

MR. BANKS: Right. The site plan wouldn't come back to the Board.

COMMISSIONER MARCUS: Some resolution adding conditions? We got to have an ability to do that if we -- if we make that motion and ask that it come back to us.

MR. Mac GILLIS: We could bring it back -- I guess we could bring it back as an EAC --

MR. BANKS: I guess -- right. They'd have to --

MR. Mac GILLIS: -- expedited application.

MR. BANKS: They'd have to apply for a development order amendment.

MS. ALTERMAN: And may -- perhaps we can also do it as a deed restriction, that we could have a condition that says they have to adopt a deed restriction that restricts those uses, also.

COMMISSIONER MARCUS: Okay.

MS. ALTERMAN: So it's a double assurance of some sort.

COMMISSIONER MARCUS: Okay.

Ms. Halperin.

MS. HALPERIN: Commissioner, we'd be happy to put that restriction on the site plan, as well as record a restrictive covenant so it doesn't have to come back to you, and the applicant

doesn't have to make another application for a development order amendment.

When I did speak with Mr. Loveland at King's Academy, I asked him if he would have any objection if, for instance, there was a pizza parlor that sold beer and wine, and he said no, that was not an objection. He just did not want a cocktail lounge or a liquor store.

COMMISSIONER MARCUS: Well, and I appreciate that, but I think we need to have a very specific condition so whatever process we can bring them back through so it's not burdensome to them, but allow us to address it through a resolution of this Board and hash out those conditions because I heard Commissioner Santamaria say no alcohol, so pizza with wine and beer doesn't work there.

COMMISSIONER SANTAMARIA: That's right.

COMMISSIONER MARCUS: And I think also the gentleman from Breakers West, maybe this will resolve some of your concerns, too? Okay.

So if the motion is to approve this, but to bring back a resolution with the additional conditions on it -- Mr. Banks.

MR. BANKS: I was going to suggest if you're going to have them bring something back, it might be appropriate to postpone the item and have them do the expedited application so you can bring back the development order amendment and approve this at the same time so we have conditions that kind of match.

COMMISSIONER MARCUS: And would that take 30 or 60 days?

MR. Mac GILLIS: Sixty.

COMMISSIONER MARCUS: Sixty?

MR. Mac GILLIS: To meet the legal ad requirement.

COMMISSIONER MARCUS: Would the applicant be willing to bring them both back in November?

MS. HALPERIN: We would -- we have just withdrawn the zoning application as staff found that this land use would be consistent.

So if --

COMMISSIONER MARCUS: But you know --

MS. HALPERIN: -- we're going to have to file an application -- another application?

MR. Mac GILLIS: They did file an application, but after County staff reviewed it, we did determine that the master plan was fine, that there was no need to bring that to the Board.

I guess we didn't anticipate that carrying through a condition on the zoning application.

COMMISSIONER MARCUS: So would you be willing to wait 'til November so we can do it properly?

And I think you're hearing the sentiment of the Board is that, you know, we see the change. We want to be able to accommodate the community, and the best structure to do that is through the zoning petition.

So if we give you the expedited and you bring -- come back in November, is that okay?

MS. HALPERIN: Yes.

COMMISSIONER MARCUS: All right. Is there a motion to postpone to the November 29th meeting so the small scale and the zoning application can be brought through with those specific conditions added to it?

COMMISSIONER KANJIAN: So moved.

COMMISSIONER MARCUS: Motion by Commissioner Kanjian.

COMMISSIONER SANTAMARIA: Second.

COMMISSIONER MARCUS: Second by Commissioner Santamaria.

Any discussion.

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, unanimous.

Thank you very much.

COMMISSIONER MARCUS: We will now go to Item No. 31.

MR. Mac GILLIS: Item 31, PDD/R2006-1675, Hagen Ranch/Boynton Beach MUPD, Pages 448 through 473 of your backup.

Carrie Rechenmacher will present this.

MS. RECHENMACHER: Okay. This is a rezoning petition on a 3.7-acre parcel of land to the Multiple Use Planning Development District and a commercial low future land use designation.

The site plan now has two -- 22,000 total square feet with two one-story banks that are 5,000 square feet each and one, one-story building that's 12,000 square feet that's limited to medical offices on the first floor and other -- other uses are on the second floor, which is part of -- part of the discussion.

Marty would like -- Marty Perry, who is the agent for this application, will read a condition into the record limiting -- one of the uses allowed is personal services, limiting -- limitations for massage parlors to chiropractor office or spa services, but I think that's still under discussion.

Staff has also provided an architectural condition, Architecture No. 2, speaks to

relocating of the -- of the buildings two and building three away from Boynton Beach Boulevard, and there's another -- there's another Condition 3 for use limitations for the second story of the 6,000 feet.

There were 189 letters against the project and 12 letters in support of the project.

Staff is recommending approval, subject to 27 conditions shown on Exhibit C.

Thank you.

COMMISSIONER MARCUS: Thank you.

Mr. Perry.

MR. PERRY: Good morning.

COMMISSIONER AARONSON: Madam Chair, you want disclosure?

COMMISSIONER MARCUS: Sure. Why don't we do disclosure first.

COMMISSIONER AARONSON: Well, I have disclosure that I met with the applicant's representative in December of last year who no longer is their representative, and I met with Mr. Perry, and I met with the opposition, as well.

COMMISSIONER MARCUS: Thank you.

Commissioner Kanjian.

COMMISSIONER KANJIAN: Madam Chair, I did meet with the folks from COWBRA, as well as I spoke with Mr. Perry briefly on the phone.

COMMISSIONER MARCUS: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: I believe I got a call from the office of Mr. Perry, but I don't recall actually conversing with him.

MR. PERRY: That's correct.

COMMISSIONER MARCUS: Commissioner McCarty.

COMMISSIONER McCARTY: Yes, Mr. Perry scheduled a phone conference call and then stood me up. So we never talked about it.

COMMISSIONER MARCUS: I think you called, but I -- we didn't have a chance to speak, either.

MR. PERRY: That's correct.

COMMISSIONER MARCUS: Okay.

MR. PERRY: And my apologies to Commissioner McCarty. My schedule has just really been hectic, and I do apologize.

COMMISSIONER MARCUS: Okay. Now that we have that --

COMMISSIONER McCARTY: Mine -- mine is just wide open, just --

MR. PERRY: No, I know yours isn't --

COMMISSIONER McCARTY: -- nothing better to do than sit around and wait for you.

MR. PERRY: I've been trying to get a meeting with you, and the best was a call, and I -- in any event.

COMMISSIONER MARCUS: Okay. Now that disclosures are over, Mr. Perry, do you have a presentation?

MR. PERRY: Yes, I do. It's --

COMMISSIONER MARCUS: He's going to be calling you a lot now, though, Commissioner McCarty.

COMMISSIONER McCARTY: That'll be a -- that'll be a switch. That'll be a switch.

MR. PERRY: As indicated by staff what we have proposed is two banks totaling 10,000 square feet and a two-story, 12,000 square foot office building.

Brian.

We've got a staff recommendation of approval with conditions. I do have one comment regarding conditions which I'll get to later.

The project is consistent with the current Comp Plan designation, which is CL-0/5.

COMMISSIONER MARCUS: Marty, can I get you to speak right into the microphone there?

MR. PERRY: Okay. Might be easier for me to do this.

COMMISSIONER MARCUS: Yeah, there's the handheld. There you go.

MR. PERRY: Testing.

This is an area map. It's located at the northeast -- I'm sorry, the northwest corner of Hagen Ranch and Boynton Beach Boulevard. It's a 3.7-acre parcel. It's adjacent to -- just flip through these quickly, Brian -- to a 50,000 square foot office building to the immediate west, to the residential development to the north.

There is an empty parcel that's also CL-0/5 to the immediate east that's approximately twice the size of this parcel, a large commercial center at the southeast corner and a Target center at the southwest corner.

As indicated earlier, what we have are two banks on the north -- the northern building, which is set well back in from the residences, is a single story bank building, which is Fifth Third Bank.

To the south set back fairly well from Boynton Beach Boulevard is SunTrust Bank and the two-story office building.

You can continue, Brian.

We've got pedestrian access throughout the site. The access to the north on Hagen Ranch is a right in, right out only. To the south is a right in only, and then there's interconnecting access with the adjacent ANSCA office building.

The top interconnecting access is objected to by ANSCA. I believe they have a representative here today. This may well be supported by the individuals here from COWBRA.

There was comment by the Zoning Commission relative to this, relative to the potential that this might be utilized as a shortcut for people that are proceeding south on Hagen Ranch to avoid the intersection.

This was originally a condition imposed upon the ANSCA development when it was approved.

We can go further.

The project has decorative pavers coming in from Hagen Ranch, as well as from Boynton Beach, as well as internally, with benches. There's PalmTran easements for PalmTran at -- near both entrances, extensive buffers for the north and the south.

It meets the Turnpike -- and I've got a bug driving me crazy here -- meets the Turnpike interchange, design guidelines that exceeds the County landscaping requirements.

The site is less than half the area development and site coverage of the adjacent site. We're proposing 22,000 square feet to their 50,000 square feet. Our building coverage is substantially less than theirs.

Setbacks are similar from the standpoint of the adjacent residential.

The office building elevation has been designed to be very similar to the ANSCA building, which was a request, both from ANSCA, as well as to meet the County's architectural design guidelines.

The same is true of the banks. This is the south elevation of the SunTrust Bank, and the next one is the elevation of the north bank, which is Fifth Third, and as you can see, both banks are similar to the office building, all of which are very similar to the ANSCA building.

We've had several discussions with COWBRA. Originally this project had a Chili's Restaurant, and there was great opposition. You've heard staff mention there were 179 letters of objection. The majority of those objections were as to the restaurant.

After several meetings with COWBRA I recommended, and the client agreed, to get rid of the restaurant and to replace it with an office building. The office building sits in the same location that the restaurant did.

There will be some discussion today, it was originated by ANSCA, relative to redesigning the site to push the two southern buildings more northerly.

Originally the restaurant building, which is now the bank -- the office building, was located more centrally in the site. We moved it to the south at the direction of staff because it

We hav

met, from their perspective, better design guidelines.

Efforts to try to get us to move the buildings further north create problems with the interaction traffic-wise of the two banks, and we just really can't accommodate that. There was some discussion about the potential of a postponement today in order that we could meet further to discuss that item.

We had our planners look at it, and Mr. Terry, who's with me today from Land Design South, will comment that he reviewed that, and it just cannot be accommodated in order to -- because of the problems with the traffic relative to the two banks.

The -- if you can go back to that last one, Brian.

We ended up with the office building. The second floor of the office building is intended to be medical offices at 6,000 square feet. It may be that the whole 12,000 will be medical offices if we can find a tenant, but in the meantime, the client needs some flexibility, and there is great objection to retail, so we didn't -- we didn't look to retail.

What we looked to were the permitted uses in this -- in the Code, which allows for laundry services, medical or dental office, professional offices, personal services, printing and copying services and government services.

Personal services, which became an issue of some discussion -- we can go to the next one, Brian -- are defined as establishments engaged in the provision of frequently or recurrent services of a personal nature or the provision of informational, instructional, personal improvement or similar professional services, which may involve limited accessory retail use of the project, art and music schools, beauty salons, driving schools, licensed therapeutic studios, photography studios, tanning salons.

The therapeutic studios raised the issue of well, will they have a massage parlor. We have a condition that addresses that issue. We have no intention of doing so, although there are massage therapy places that are not objectionable.

The only reason we keep this in here is that if we were to find a physical therapy tenant that was aligned with the medical services, and we find those in different places, we've all been to them at one time or another where you go for treatment following surgery or any other types of problems, we thought that that was a legitimate-type use, and that's the only area that would fall under, but the condition will speak directly to the massage parlor issue.

Go forward, Brian.

This is the modified condition that we're proposing, and that is that the total gross floor area of Building B should be limited to a maximum of 12,000 square feet for medical or dental offices or a combination allowing a minimum of 6,000 square feet for medical or dental offices and a maximum of 6,000 square feet for personal services, printing and copying services, professional or government offices or laundry services, and any additional expansion of these uses should be in accordance with Article 2.D.1.g.3 of the ULDC.

We had one other provision. The Zoning Division had a discussion on whether or not we should redesign the site. After some discussion they did not impose this condition.

Staff came up with this and put it in the conditions of approval.

The only thing that occurred was at the meeting Sherry Hyman, who sits on the Zoning Commission, looked at me after the vote and said, "Marty, will you look at redesigning the site," and I said yes, we will.

And we did, and Mr. Terry will speak to that issue.

But we're proposing that this be deleted. It's currently in the conditions. It really doesn't require that we do it, and frankly, we can't do it.

With that, I just would like to make a couple final comments.

The staff report indicates that we are consistent with the Comprehensive Plan, and we are; that we're consistent with the ULDC, and that we are. In fact, we exceed the guidelines. We're compatible with the surrounding uses. We have no negative impact on the natural environment. We're consistent with the development patterns in the area, with the neighborhood plan. We meet the adequate public facilities requirements.

There just is no legitimate reason for the project not to be approved. There are objections. You'll hear them.

I'd like to ask Mr. Terry to comment on the potential for redesign on the site, and I would -- there is another issue that will be heard, and that is why can't we do all office, and the problem there is that we didn't have any difficulty getting bank tenants. We didn't have any difficulty getting a restaurant tenant.

We're having some difficulty getting office tenants, and that's why we're asking for some flexibility, and I have Carol Thompson here today who we had do a survey of the area, which is an update of a survey she did 10 years ago at the

time that all of these properties, and there were five of them in this corridor, were approved for the Comprehensive Plan modifications, and she'll address the issue of the demand for office space in the area currently.

Mr. Terry.

MR. TERRY: Good morning. For the record, Brian Terry, with Land Design South.

I'd just like to state Marty's made it pretty clear, but we did look at what our options would be for potentially looking at a redesign of the site.

Just to give you a little bit of quick history is, again, when we did come in with our first application, we had what you see as the left building, which is actually the office building, shifted north, and it was basically in line with ANSCA's building.

Through the DRO process, through a review by staff and really on our own behalf we found that we had a very difficult circulation route throughout the site, and what you ended up was basically three individual buildings on the -- on the property, which looked -- just didn't look consistent and didn't look like it had an overall good design to the site.

At the urging of staff, at the urging of architectural review we looked at bringing the buildings forward and creating a streetscape, a facade, a solid facade along Boynton Beach Boulevard, and so we brought the two buildings together and to, again, put them close to create one more consistent-looking building that could address the Boynton Beach roadway.

The request was for us to look at potentially sliding those buildings back to be more in line with ANSCA, and that's what the condition is asking us to do.

I think that if you envision us taking those two buildings, shifting them north, and what you end up with is one single row of parking in between our two bank buildings. What you'll see is you have an extremely difficult circulation area for -- you have the exiting of all the drive-through banks for the southern, the exiting of all the lanes for the southern bank and all the entrance to the drive-through facility for the northern bank.

With that you also have a pedestrian crossing. You have a lot of things that are going to be interacting in one place, which we didn't feel was a safe condition.

By eliminating or separating those two, creating the parking and the median in between which you're allowed to do is now the cars can circulate around the southern buildings without

ever going north and being in the middle of the northern bank, and cars can circulate around the northern bank just as if they would in any other kind of, you know, a bank situation where it's an independent bank. You have circulation around the entire building to make sure that you have a good flow of traffic, and we believe that this is the better scenario of the two.

And from a -- so from a vehicular and pedestrian standpoint, we don't believe that it's in the best interest of the project to be shifting the buildings, and, therefore, we couldn't really be consistent with the condition of approval.

COMMISSIONER MARCUS: Could you just from -- it's hard to see what's on the left-hand side.

So they want you to move the building back where the parking is right there?

MR. TERRY: You know, if you -- let me shift back to a previous slide, and you can see -- the ANSCA building sits basically --

COMMISSIONER MARCUS: But is that the --

MR. TERRY: That is what --

COMMISSIONER MARCUS: That's what they're trying to do -- get you to do?

MR. TERRY: Exactly.

COMMISSIONER MARCUS: And you'd have a whole bunch of space in the front as you're driving down the street?

MR. TERRY: You would have basically another set of parking rows --

COMMISSIONER MARCUS: Okay. All right.

MR. TERRY: -- in the front.

COMMISSIONER MARCUS: Thank you.

Any other questions by the Board?

Is that -- Mr. Perry, is that all?

MR. PERRY: We have Ms. Thompson, and then we're finished.

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: I just wanted to --

COMMISSIONER MARCUS: Okay. Commissioner Aaronson.

COMMISSIONER AARONSON: When somebody's connected, Marty, to a hospital for people who are injured, it's called rehabilitation --

MR. PERRY: Rehab. That's --

COMMISSIONER AARONSON: -- not massage.

MR. PERRY: I'm sorry. That's the word that I was looking for.

COMMISSIONER AARONSON: So if you're looking for something and you want to put in rehabilitation centers connected to medical facilities, that's a different thing than massage parlors or tanning parlors.

MR. PERRY: I agree, and we -- and we can make that change in that condition. That's the word I was looking for, and I apologize.

COMMISSIONER MARCUS: Thank you.

MR. PERRY: And I -- just quickly, if you'll see here on the left in this aerial here, you can see the ANSCA building.

The desire was to pull the top building down, the lower buildings up so that they were clustered in the center, and that just creates tremendous problems.

Ms. Thompson.

COMMISSIONER MARCUS: It's not a great look for the intersection, either.

Yes.

MS. THOMPSON: Hi. My name is Carol Thompson, with Thompson Consulting.

We did, as Marty indicated, the original analysis along the corridor in '96 when the six parcels came through, including the biggest one, which was a Kahlert parcel at the southwest corner of Boynton and Hagen.

In the update we did the same basic approach. We looked at retail, we looked at office, and in summary, this is what our -- what we found to -- well, today, relative to 10 plus years ago.

We determined that office development within the area with -- that we looked at, which was consistent with the same area in '96, was really in relative equilibrium between supply and demand at present, but the projected supply, given all the tracts along the corridor and in that general area that were approved back in '96 and since, there would be a projected supply surplus within the projection time frame, and that is consistent with the Comp Plan.

Since 1996 when the six projects along Boynton Beach Boulevard totaling 92 acres were approved to accommodate retail, office and mixed use development, only 6.8 or a little less than 70,000 square feet have developed with office space and secured reasonable occupancy.

Since '96 on the Kahlert tract, which was the largest scale of all, which was approved for mixed use, there is almost 225,000 square feet of commercial/retail space with only 50,000 square feet of office that has come out of the ground. They've switched things around and accommodated some additional commercial with self-storage, given the lack of demand for some of what they had originally designated for office.

The current vacancy rate for retail is less than one percent in that area, while the current vacancy for existing office is 11 percent.

Once the additional 547,000 plus square feet of approved unbuilt office space in that area has been constructed, the total office space that's there now will more than double from

300,000 plus to in excess of 920,000 square feet of office space.

The labor force participation rate in that area is far less than what is found countywide, due in large part to the more -- well, an older population base which is no longer employed. So, hence, the employment base demand for office space is minimal.

And that pretty much summarizes it.

COMMISSIONER MARCUS: Thank you very much. Anything else, Mr. Perry?

MR. PERRY: Just one final comment.

I mean I -- the desire that you're going to hear is that we do the office. We're doing 22,000 square feet here that essentially is office. It's banks and an office building.

We could have built 40,000 square feet of office. So this is really a substantially reduced site coverage and scope of project, and I encourage your support and request your approval.

Thank you very much.

COMMISSIONER MARCUS: Thank you.

Commissioner Aaronson, did you want to make a comment? No?

We have cards from the public. Let me go through the ones that just checked a box and said they don't wish to speak.

Cynthia Appeals -- Apels, I'm sorry, from Palms Isles West. She opposes, doesn't want to speak. She doesn't like the drive-through lanes. I guess those are our requirement.

Harriet Katz, she opposes, also, because of the traffic on Boynton Beach Boulevard.

Shirley Krieger, she opposes. She wants one of the banks to be eliminated.

Dorothy Dawn -- Dunn, one less bank. She opposes and doesn't want to speak.

Irving Dunn also opposes. He doesn't like the three buildings on the site.

Elaine Brower opposes. She just thinks it'll be hazardous to driving on Hagen Ranch Road.

Max Candiotti, sorry. He opposes, also. "I know that the buildings are pre-engineered", but he just feels like the driveways are not well planned.

Harriet, she also opposes, doesn't want to speak, and she's concerned about the entrances and exits on Hagen Ranch Road.

Madeline Saul (ph), she opposes, doesn't wish to speak.

David Kurpit opposes and doesn't wish to speak.

Patricia Mylan opposes, doesn't wish to speak.

And Gloria Fine -- oh, you wish to speak. Okay.

All right. So, Gloria, do you want to come forward?

MS. FINE: Good morning.

COMMISSIONER MARCUS: And we have -- our clock is right up there for everybody to watch.

Thank you.

MS. FINE: Yes. Good morning. I'm Gloria Fine, and I'm president of Palm Isles Master Association, and I'm here to talk against the proposed site development.

We have been -- Palm Isles is an adult community of 992 homes. We are bordered on Boynton Beach Boulevard and Hagen Ranch Road.

We've been there over 16 years, and over the years, of course, we have seen a lot of development, and we've seen a lot of increase in volume of traffic, which is one of the main reasons that we are not for this particular proposal.

If you'll notice, Boynton -- Hagen Ranch Road is a single road until it comes close to the Boynton Beach - Hagen Ranch intersection, and then you have turning lanes.

The proposed development on that site can never -- will never, ever, I believe -- we believe, support all that traffic. We feel that it is definitely a disaster waiting to happen as far as a lot of traffic accidents, perhaps fatal -- fatalities, and, therefore, we -- that's one of the reasons, main reasons, we're against it.

As we come out now where the banks are and you have to make the right-hand turn, there's a wall that is the boundary of Palm Isles West. That wall does present a problem if you're coming out of there to make a right-hand turn in terms of seeing what the traffic is coming from north to south. If you can look at the map, you can see that.

The other thing that I want to speak to briefly is we are very much against personal services. To us, personal services is another name for retail, which is more traffic and more potential for accidents and disasters waiting to happen.

The other thing I briefly speak about is, which was spoken about, which is need, we have to remember that less than a mile down the road there's a tremendous development, Canyon Lakes, which will have a lot of development in retail and office space, et cetera, and so I think we need to look at that as an alternate to this site and why this small site then should not have as much as it is developed -- it is potentially proposed for.

So I am speaking on behalf of Palm Isles to say that we definitely oppose this proposal.

Thank you.

COMMISSIONER MARCUS: Thank you very much. Barbara Katz, and after Barbara is Aline Bricks.

MS. KATZ: Good morning. Barbara Katz, president of COWBRA.

COWBRA has met with Mr. Perry, the agent, many times regarding this project, and each time we had major concerns with the site plan as proposed.

This property has a long history. Originally there were two parcels, this parcel and the parcel to the west, the ANSCA office building.

Years ago it was planned that these two parcels were to be developed as a compatible office park with no retail. The two parcels were to be commercial low office with connectivity.

ANSCA developed the site the way it should be with the proper setbacks, architectural design, additional landscaping and buffering.

COWBRA and the surrounding neighborhood communities approved of ANSCA's plans and are very pleased with the way it has been developed. We expect that today's proposed site to be developed the same way, but this is not happening.

We have some concerns. Why are we zoning to MUPD for a site that's fewer than four acres? Part of the history of this area is that retail was not a permitted use on the north side of Boynton Beach Boulevard at this intersection. The north side is predominantly residential, and residents do not want retail or personal services which the public really sees as more retail.

In fact, the last three COWBRA presidents cannot remember ever having had an office building in the -- with personal services, in the West Boynton area.

And regarding tenants in an office building, as Mr. Perry said, there will be a -- there is a proposed hospital in the future, and I do think there'll be a need for a lot of medical space. That's only a prediction.

It is agreed that the site must comply with the Boynton Beach Turnpike Interchange Design Corridor guidelines and standards, and at the Zoning Commission meeting and in the report staff provided an additional architectural condition requiring setback of the structures to the maximum extent possible from Boynton Beach Boulevard and to align with the ANSCA property to the west.

We ask that this not be deleted. Mr. Perry said it should be deleted; however, COWBRA has not been given the opportunity to meet with the developer to discuss these plans, although the Zoning Commission recommended that the developer work with COWBRA and ANSCA's architect.

Therefore, we ask you to consider some type of delay or postponement so that COWBRA can meet with the developer to make sure that this site will conform to the corridor plan with the proper setbacks.

As the plan is currently presented, it is not unified with the ANSCA property setback to give the appearance of an office park which was the original intent.

Because of our concerns we cannot support the project as presented, and we ask that it remain under the current zoning, CL-office with retail not permitted, that the personal services be prohibited or restricted in some manner to protect the residents and the surrounding communities, and that it should be consistent with the corridor plan which includes the proper setback and compatibility with the adjacent area - - I'm almost at the end of the sentence -- and that COWBRA have an opportunity to see the revised plan with the proper setback, landscaping and architectural elevations.

Thank you.

COMMISSIONER MARCUS: Thank you.

Elaine -- Aline Bricks, and then Donald Mylan. I'm sorry. Donald Mylan will speak after that?

MS. BRICKS: Good morning. My name is Aline Bricks. I live in Palm Isles III, which, together with the other Palm Isles associations and Palm Isles West, includes 1227 families. I'm my community's representative to and a vice president of the master association, as well.

As president of Palm Isles III, I represent 214 families whose sole entry to and exit from its community, as is the case of Palm Isles West, is from Hagen Ranch Road.

Any increase in the traffic pattern and density will certainly impact the ease of entrance to and exit from our properties, and so the traffic pattern and flow on Hagen Ranch Road is extremely significant to us, and this is the aspect I would like to address.

When the property we're discussing today is developed, we will obviously be faced with added strain on Hagen Ranch Road traffic, and we would hope for a plan that would restrain increased traffic to a minimum because it won't end there.

There will be an additional increase in traffic when the opposite corner, the northeast corner, is developed and we all know that that development is in the offing, and at this point we would not be able to go back to correct any mistakes that may be among the choices made here today.

We respectfully request that you add this consideration to the other opposition that's being expressed by the Palm Isles and Palm Isles West representatives and COWBRA officials who are here today.

Thank you.

COMMISSIONER MARCUS: Thank you.

Donald Mylan, and after Donald is Michael Clanton.

MR. MYLAN: Good morning. My name is Donald Mylan. I'm the president of Palm Isles West.

The ANSCA property developers agreed to provide access to the subject property under discussion in order to facilitate the development of their parcel.

They now say that they do not feel they should have to honor this agreement.

They should be required to honor this agreement. There is absolutely no reason not to, as there is no cost or hardship to them in order to comply. The preparations have already been made, and there is nothing that they need to do to comply.

To use Hagen Ranch Road as a conduit to this parcel is extremely dangerous and unnecessary. The exiting traffic has a visibility handicap as there is a six and a half foot wall, shrubbery and two utility poles blocking the clear view of oncoming southbound traffic on Hagen Ranch Road.

The developers tell us that there will be a divider in the center of Hagen Ranch Road at this location prohibiting northbound traffic from making a left turn into the property and forcing all exiting traffic to drive south.

The northbound traffic will then be required to drive half a mile further north to a roundabout and then drive another half-mile south to the entrance.

Most drivers will not do this. Instead, they will use the Palm Isles West entrances for their U-turns blocking the entrance, crossing two lanes of traffic and causing a dangerous condition for themselves and the residents of Palm Isles West attempting to enter and exit their community.

The alternate to this for these drivers would be to make a U-turn before the Palm Isles West entrances, tearing up the grass areas alongside this two-lane road.

Palm Isles West maintains these areas, and we would not want to see them destroyed by having these grass areas torn up by the vehicles' tires.

Also, a great deal of fuss is being generated over the inclusion of 6,000 square feet of retail space in the latest proposal by the

developers. It has become a great bone of contention between the developer versus Palm Isles West and COWBRA.

This is the item requiring rezoning to a multi-use zoning. Surely, there is no public outcry for 6,000 square feet of retail space in this parcel. How much additional revenue can be generated by retail space rental, as opposed to office and professional rents?

The truth is that rezoning of this parcel to multi-use opens up the likelihood of 60,000 square feet of retail space for the undeveloped parcel directly across Hagen Ranch Road. That is based on a 15 percent usage of building to land area ratio.

In addition, other undeveloped properties along Boynton Beach Boulevard will be similarly affected, and a new Military Trail will be created in an area that is now landscaped and cared for by the communities bordering it.

The residential neighborhood as exists here now should be preserved as it is in lieu of the extra profits a developer may enjoy by destroying it.

Please consider the results as the damage can never be undone.

COMMISSIONER MARCUS: Thank you.

MR. MYLAN: Thank you.

COMMISSIONER MARCUS: Mr. Clanton, and then after that is Rosalie Flink.

MR. CLANTON: Hello. My name is Michael Clanton. I represent ANSCA Homes.

I would like to take the opportunity to comment on the site plan before you. We have several concerns with this project that affect our office plaza. These concerns are linked to the --

COMMISSIONER MARCUS: Can you pull your microphone up and speak right into that? Thank you.

MR. CLANTON: These concerns relate to the visibility of our building, traffic and the character for the Boynton Beach Boulevard corridor.

Originally, when ANSCA Homes was seeking approval by the Board of County Commissioners, our building was placed in a similar location as this toward the front of the site along the boulevard; however, neither COWBRA nor the BCC requested this request so, therefore, we shifted our building back.

If we had to do this all over again, we would shift our building back even one set of parking back further because of the entrance into our site, and everybody knows nobody parks on the side or the back of the building.

If y'all recall from the aerial, the majority of the parking is in the back of the site.

So when we pushed the building back, we conformed with the Boynton Beach Boulevard design guidelines and standards by preserving the corridor along the boulevard.

At least we request that the medical office/retail building be pushed back to the same front setback as our building. This will ameliorate the visibility of our building and our tenant users for the site.

I would like to acknowledge that Paradise's Group effort in preparing excellent architectural elevations and showing architectural compatibility between our building and their proposed buildings.

Secondly, I would like to request that both the north and the south cross access easement agreements be kept open per Zoning Commission's recommendations.

Given these real concerns, we simply believe that this push back of the building can be met, and the site can still function normally.

The rear of these buildings might have some degree of difficulty maneuvering, but as no other plaza or a parking lot does these days.

And that is it. Thank you for your time.

COMMISSIONER MARCUS: Thank you.

Rosalie Flink, and then after that is Edward Rosen.

MR. ROSEN: I requested not to speak.

COMMISSIONER MARCUS: Okay. Sorry about that, Mr. Rosen.

Raymond Stark, you oppose. Do you want to speak?

MR. STARK: No.

COMMISSIONER MARCUS: No.

Ken Buzzi, you oppose. Do you want to speak?

MR. BUZZI: Yes.

COMMISSIONER MARCUS: Yes? Okay.

Yes, ma'am.

MS. FLINK: My name is Rosalie Flink.

COMMISSIONER MARCUS: Can you pull that down and speak right into it?

MS. FLINK: My name is Rosalie Flink, and I live in Palm Isles West.

I've stated before that I drive a cop car on Friday mornings from 7:00 to 10:00 throughout Palm Isles West and the regular development.

This past Friday when I drove and I tried to cross Hagen Ranch at approximately 8:00 o'clock in the morning, there are signs to yield to the traffic.

I had the flashing light on on the top of the cop car. I counted 12 cars coming down Hagen

Ranch at a nice clip. Not one yielded to me to cross over to the other side to Palm Isles III.

I'm also very concerned that coming down Palm Isles from the north to the south to hit the shopping center, they have to turn in there. They also have to come out on Hagen Ranch.

In order to make a left turn to go onto Boynton Beach Boulevard or to make a U-turn they have got to cut across now three lanes, the turn lane, the straight lane and the left turn lane.

There is going to be accident after accident there, and I beg you to take into consideration what the traffic will do there. You have to come to see it.

Thank you.

COMMISSIONER MARCUS: Thank you.

Ken Buzzi will be our last speaker.

MR. BUZZI: Good morning, everyone. My name's Ken Buzzi. I'm a retired Miami-Dade police officer with 33 years of service. I live directly north of the proposed site on the other side of the wall.

I moved to Palm Beach County from Broward County seeking a better quality of life, and as of today I love it. It's more than what I expected.

But from my police experience the situation -- first of all, this is a super-sized proposed site. It should be one building similar to what is next door to it to the left.

The traffic situation for our community is going to become a nightmare. People will have to come into our main gates and make U-turns from Boynton Beach Boulevard to access the bank to the north, and I just hope you take it into complete logic, and if you do look at the site plan next door, it's one building. There's three right here.

I mean it's going to be triple the impact for the area. The residents to the north are retirees, and we really don't want people pulling into our community. That's why we bought -- purchased in a 55 and over community and paid dearly for it.

And I thank you for listening to me.

COMMISSIONER MARCUS: Thank you very much.

That will complete the public hearing.

Commissioner Aaronson.

COMMISSIONER AARONSON: Thank you, Madam Chair.

I also want to -- motion to receive and file 31 e-mails that I received in my office as well.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson.

CHAIRPERSON GREENE: Second.

COMMISSIONER MARCUS: Second by
Commissioner Green.

Discussion.

COMMISSIONER AARONSON: All in opposition.

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes,
unanimous.

And let the record reflect Commissioner
Greene has joined us.

COMMISSIONER AARONSON: Retail on this site
is not something that's necessary. If you've been
to Palm Beach Boulevard with the shopping centers
on the south side of Boynton Beach Boulevard, the
Super Target, many other retail operations,
restaurants, actually, the south side of Boynton
Beach Boulevard is the commercial corridor
supplying both farther southern portions and also
the northern portion of the area.

The one thing we don't want to see is more
empty stores. With the Target that has many
things in it today, with all the other amenities
that are shown and that they have on Boynton Beach
Boulevard, one of the fears that I have is that if
you put in retail into this, which I call isolated
building, you may have empty buildings and empty
stores, and that's not good for any neighborhood.

I think there may be a way to work some
things out, and COWBRA has tried to work together
with Mr. Perry, and Mr. Perry, with all due
respect, is very cooperative most -- most of the
time, and I would say that, based upon the people
of Palm Isles, their objection, first of all,
again, I don't want to see a tanning salon 'cause
the reputation of tanning salons are not the
greatest, either.

I wouldn't want to see what's called a
massage parlor because if you really want
rehabilitation, it has to be a rehabilitation
center connected to a hospital such as Bethesda
who will be coming in there and already has a
presence in the area.

I think we have to go over all the retail
type of uses you're showing there and make sure
that it's not, you know, I don't see the need for
a laundry there, Marty. There are plenty
laundries and plenty of drycleaners along Boynton
Beach Boulevard.

I think it needs more work. COWBRA has
asked for a postponement. I would request from
the Board that we postpone this for 30 days to let
COWBRA sit down with the applicant, go over the
plan, as has been suggested, and try to come up
with something that will work for the community

and still be able to give the developer the right to put up an office building.

COMMISSIONER MARCUS: Is that a motion, Commissioner Aaronson?

COMMISSIONER AARONSON: That's my motion.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson. Is there a second?

CHAIRPERSON GREENE: Second.

COMMISSIONER SANTAMARIA: I'll second.

COMMISSIONER MARCUS: Second by Commissioner Greene.

Under discussion.

COMMISSIONER SANTAMARIA: I have some further comments.

COMMISSIONER MARCUS: Okay. I just wanted to ask.

Commissioner Aaronson, would you be involved in that meeting 'cause I think they have met with COWBRA, and it doesn't --

COMMISSIONER AARONSON: They have met with COWBRA. I have only been involved in the -- basically when I came out of the hospital, I met with them the other day for two hours --

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: -- but have not had enough time to sit down and work together fully --

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: -- with the COWBRA organization.

COMMISSIONER MARCUS: So you'll be involved in the meeting?

COMMISSIONER AARONSON: I will definitely be involved in it, and, you know, now that I'm getting a lot of strength back, maybe we'll be able to put this thing together.

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: But --

COMMISSIONER MARCUS: Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah, based on all the data presented by all parties so far, you know, the proposed development, you know, has possibilities; however, I believe the applicant has to put a little more effort in taking care of the concerns of the community in these immediate areas.

In addition, one of the speakers today did bring up the remaining undeveloped land, and that's also an important item because anything we do on this parcel, you know, may have implications on succeeding applicants on the remaining undeveloped land. So that really also has to be thought about, you know, by all parties.

So definitely, you know, Marty, you need to do a little more tweaking and looking at the retail concerns of the community.

COMMISSIONER MARCUS: Commissioner Kanjian.

COMMISSIONER KANJIAN: I'm fine.

COMMISSIONER MARCUS: Okay.

Mr. Perry.

MR. PERRY: Well, I never had an opportunity for a rebuttal.

COMMISSIONER MARCUS: I apologize.

MR. PERRY: And I just -- just very briefly, and I think there's some misconceptions here.

First of all, there's been a great deal of discussion about retail, and I think that your staff will confirm that nothing that we have proposed constitutes retail under your ordinance.

It's not retail, and as a matter of fact, under the CL-O designation there is no retail permitted, and I suggest to you that a great deal of this has nothing to do with this site, but, rather, with the site across the street, the eight-acre site.

That site is also comprehensively planned CL-O, and retail cannot occur on that site without a Comprehensive Plan amendment to allow retail.

So that's a non-issue. You can talk about the uses that we're talking about and you can limit those, but that's -- that's really -- they're not retail uses.

You don't want -- you don't want to have a laundromat, that's fine. Strike it. Okay.

If you don't want massage parlors -- I already said we agree to that. I made a misnomer when I said -- physical therapy, rehab, that's a better word. I like that, because that's really what I was trying to project.

But the real issue here -- I met with COWBRA five times. Prior to me others met with COWBRA. Not once in the five times that I met with COWBRA did this suggestion come up about moving these buildings closer together.

That didn't come up until Bill -- Mr. Gray of ANSCA came to the Zoning Commission with a hand-sketched plan, and that's the first time that discussion occurred, and the concern is about traffic and everything.

Well, we can come back here. We could throw everything out, and we can do all office building, notwithstanding, as Ms. Thompson says, there's 500,000 square feet of undeveloped, unbuilt office space that's already approved in the area. We could do that. We could build up to 40,000 square feet. It doesn't change anything. The concerns that have been expressed are still there, you know.

So we go, and we come back, and we can sit, and I respect Commissioner Aaronson a great deal. I, you know, I think that if a postponement made

sense, I'd agree to it in a heartbeat. I don't -- I'm not the kind of person that objects to stuff like that. I like to work things out.

I've worked with COWBRA since their inception. COWBRA in this instance, in my opinion, is being unreasonable. You may disagree with me, but they're being unreasonable, and the issue here is not this site. The issue is the site across the street. But that's not before you, and this is just unfair.

Thank you.

COMMISSIONER MARCUS: So is that -- would you be willing to sit with Commissioner Aaronson and COWBRA?

MR. PERRY: I'm happy to sit with anybody. I don't have any problem with that.

I just don't know how we resolve the problem because I don't see a problem here.

COMMISSIONER MARCUS: I just wanted to comment.

On the building locations, I'm not sure I agree with the ANSCA folks. I think for the intersection, and I think that's what the Zoning Commission staff is -- otherwise, you're looking at a sea of parking, a lot, a lot of parking, and while it may, you know, be okay for being set off, that's not necessarily the intersection look you want to have.

In fact, when you look at the parcel across the street with the waterfront and then all you see is parking, you know, you had to -- you can't see the shopping center that's across the way.

So to me that's not an issue, and I'm just letting you know when it comes back, whether or not they're able to move it around.

And also the interconnection of the two sites, I think it's very important. I mean we've had a hard time doing connectivity up here, but we at least said you got to do it commercial to commercial. This is commercial to commercial. So I hope that the design reflects that, too.

So those would be my questions or, you know, when you go back, Commissioner Aaronson, I'm not sure I'm -- I'm -- I'm agreeing with me with the buildings being lined up because I think they make a point about the -- what the look is when they come in.

COMMISSIONER AARONSON: I think that certainly I respect Mr. Perry's view, but I also respect the people who have come forward.

Whether or not I'll be able to be Solomon we'll only be able to tell in 30 days when we come back, but certainly I'm going to give it a try, and I -- again, I ask for the 30-day postponement.

COMMISSIONER MARCUS: Okay.

Commissioner Kanjian.

COMMISSIONER KANJIAN: Thank you, Madam Chair.

The question I had after meeting with COWBRA had to do with -- sounded to me that they were okay with one bank, just not two. We've heard a little bit of discussion about that today. And then there's discussion about it being all office building.

So if we're going to go have some more discussion about this, the parameters that we're going to work within probably is something that we need to hear. I think perhaps Ms. Katz could address that if we're talking about just making it smaller and less congestion.

I will say to you that site plan to me was a little concern because I looked at the traffic patterns and the flow and thinking about how people are going to be stopping quickly. The wall that is there is an issue for me.

So if we're going to have a discussion, I think we probably need to know which way they're leaning and which way they're going towards because if they're just going to have a discussion because they don't have an agreement today, that's a big -- that's a big difference between knowing which way we're going, and I don't know if that's going to help to postpone if they have no idea which way they're going to go.

COMMISSIONER MARCUS: Well, I think we probably shouldn't do that by committee today. We should let Commissioner Aaronson go and meet with the applicant and the residents.

Something's going to go here. How it's designed and how much and the specific uses are going to be what's hashed out, hopefully, in the next month, and then at the end of the day we're going to have to decide, so -- and the staff should be involved, definitely, with the meetings.

Commissioner Greene.

Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Yeah. I'd like to hear specific areas that you consider retail that you object to from the residents.

In other words, rather than use the term "retail" in general, you know, I'd like to hear specifically what proposed items you're concerned about so then the applicant can respond to that.

COMMISSIONER MARCUS: From the staff?

COMMISSIONER SANTAMARIA: No, between the two -- when they do meet.

COMMISSIONER MARCUS: Okay.

COMMISSIONER SANTAMARIA: When they do meet, specifically mention what uses --

COMMISSIONER MARCUS: Okay.

COMMISSIONER SANTAMARIA: -- you consider retail, which I guess the applicant does not --

COMMISSIONER AARONSON: Commissioner --
COMMISSIONER SANTAMARIA: -- so we can
focus on those items.

COMMISSIONER AARONSON: Commissioner
Santamaria, personal services, you can slice it
any way you want and Mr. Perry could say it's
personal services, but when you put a laundry
there, that's retail. Okay.

You may not call it retail and the Code may
not call it retail, but it's a retail service.
You go in. You pay money for it. You get -- put
your dry cleaning in.

Personal services and retail are so closely
assimilated that it's very hard to separate, and I
think that's why I want to have the meeting
together with Mr. Perry, together with the staff
and together with the COWBRA people to show that
personal services do -- there are certain personal
services which have a far greater effect on
traffic than certain retail does.

So I think taking the 30 days, try and iron
this out, maybe we can straighten it out between
everybody.

COMMISSIONER MARCUS: So the motion is to
postpone 'til the October 25th Board meeting
and -- zoning meeting and have the applicant meet
with Commissioner Aaronson and the residents.

Any other discussion?

(No response)

COMMISSIONER MARCUS: All in favor.

COMMISSIONERS: Aye.

COMMISSIONER MARCUS: All opposed.

(No response)

COMMISSIONER MARCUS: Motion passes, 6-0.

Thank you very much.

COMMISSIONER MARCUS: Next, Item 33.

MR. Mac GILLIS: DOA2007-049, Kabbalah
Learning Center.

The applicant is proposing to amend a sign
condition.

COMMISSIONER MARCUS: And this happens --

MR. Mac GILLIS: Doug Robinson will present
this.

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: Madam Chair.

COMMISSIONER MARCUS: Yes.

COMMISSIONER AARONSON: I had a paper that
I did not turn in on consent agenda No. 9.

COMMISSIONER MARCUS: Okay.

COMMISSIONER AARONSON: I did meet with the applicant.

COMMISSIONER MARCUS: Okay. So for disclosure, Commissioner Aaronson did meet with the applicant on Item No. 9 on the consent agenda. He's disclosing that now, and he's going to give it to Mr. Banks.

Okay. Now we will go to Item No. 33.

MR. ROBINSON: Good morning, Commissioners. Doug Robinson, for the record.

Proposed is a development order amendment for Kabbalah Learning Center to amend the sign condition, Condition J.1, of Resolution 2002-1951, which restricts the site to one sign eight feet in height --

COMMISSIONER MARCUS: Excuse me on second. If we could take the conversation outside, we'd appreciate it very much. Thank you very much.

Okay. Go ahead.

MR. ROBINSON: -- which restricts the sign to eight feet in height and 60 feet in sign face area.

The applicant is proposing to modify the condition to allow a bigger sign 10 feet in height and 107 feet of sign face area with changeable copies to allow for advertisement of events and service hours.

The sign is to be placed on a western access point of Palmetto Park Road.

The applicant is also proposing a smaller sign, six feet in height and 62 feet sign face area in the eastern access point of Palmetto Park Road of the site.

Staff has recommended denial based on Findings No. 3, 4 and 9 and evaluation of the site.

The site is 2.63 acres, and it has an irregular rectangle shape and is located close to PowerPoint Road -- I mean, excuse me, located close to Palmetto Park Road frontage.

The site has a range of building structures ranging from 38 feet, which is a tower. The building is 33 feet in height, and it has a golden dome structure at 30 feet in height which can be seen from Palmetto Park Road.

COMMISSIONER MARCUS: Is this sign you're showing us what's right around the corner?

MR. ROBINSON: That's -- yes, that's right next door to it.

COMMISSIONER MARCUS: Okay.

MR. ROBINSON: Next -- if you go to the next slide, please.

COMMISSIONER MARCUS: Okay.

MR. ROBINSON: You can see the actual building. You can see the dome. You can see the

tower. That's traveling west on Palmetto Park Road.

The site is also surrounded by residential uses to the north, west -- north and west by Boca Lago PUD and golf course. South is across Power -- across Palmetto Park Road is Boca Rio and southwest is Boca Lyons.

If you go to the next slide, you can see this is the sign traveling west.

Go to the next slide.

And this is the sign at Power -- Palmetto Park Road and 441, which is the Lowe's shopping center, and coming back west -- if you go to the -- coming back east -- go on to the next slide -- that's the sign at Lyons, Lyons and Palmetto Park Road.

It's important to note that by granting addition signage to the site it would create inconsistencies with recent Zoning Commission and Board of County Commissioners approvals which limits places of worship to one sign, and this has been evidenced with Philadelphia Church of Nazarene and Friendship Baptist Church, which is going back to the Zoning Commission, which is all limited to one sign.

And if you go to the next slide.

This is the sign at Boca Lyons, which is just east of the church.

Staff -- what staff is recommending is one sign at 10 feet, 100 feet of sign face area and to be centrally located.

COMMISSIONER MARCUS: That's it?

MR. ROBINSON: That's it.

COMMISSIONER MARCUS: Okay. Can you go back on the -- sorry -- to show the existing sign? Was there a picture of the existing?

MR. ROBINSON: That's -- that's a temporary -- no, it's not --

COMMISSIONER MARCUS: It's a temporary sign. Okay. I was hoping it was temporary. Okay. Great. Thank you.

Hi. Could you give us your name for the record?

MR. GENTILE: Yes. For the record, George Gentile. I'm representing the Kabbalah Learning Center.

Let me see if I can -- got it. Thank you.

We appreciate the staff's presentation, but I do -- we did come before the Planning and Zoning Commission at the beginning of the month, and they unanimously recommended approval of the two signs because of the unique situation with the facility, and I just want to go over a few items with you.

This is the site location on Palmetto Park Road, and if you notice the area, how the road curves in this location and comes over the

overpass of the Turnpike, it's one of the reasons that we asked for the two signs specifically on this particular project.

Looking at the Kabbalah Learning Center from Palmetto Park Road we have an extensive landscape buffer that was put in that blocks most of the building, and, yes, you do see the dome, but there are still a tremendous amount of vegetative cover in that area, and as you come down over that overpass, it begins to obscure -- the landscape obscures the location of the driveways.

This is the eastern driveway, and this is where we've asked to put in the small identification sign so that people as they come over the overpass and come down on the curve at this point will see this driveway.

Just to go over the -- this is the Boca Lago golf course area. It's surrounded by the golf course specifically.

This is a piece of drainage area that Palm Beach County has for the Palmetto Park Road right-of-way.

This is Addison Place, and then Addison Place has a very large vegetative landscape buffer, again, blocking that driveway as you come down around that location.

We've asked for a 79 square foot sign at the western portion, which is the main entrance, just giving the announcement of activities at the facility, and then we've asked for a small, 42 square foot sign, at that driveway so that people can see that they're coming into that zone.

This is the 79 square foot sign, and this is the 90-foot square sign, all in keeping with the architectural consistency of signs in the area.

We did a visual analysis that I'm going to show you right now.

Coming off of Palmetto Park Road, coming to the Kabbalah Center and the Addison Place buffer area that's here -- now, we don't show the extensive vegetation, but the area that you're seeing to the immediate right right now is all landscaped, and then you'll be coming up on the main driveway here on the curve.

You'll see the small sign just so that identifies that area, and you barely see the other sign. And there is the main entrance sign at that location.

We just think that the uniqueness of the location of this site with the preserve areas that are already in place that you need just some minor identification as you get to that first driveway.

And we would ask for your consideration, as the Planning and Zoning Commission did.

And we appreciate the staff's been working with us on this, and we'll entertain any questions.

COMMISSIONER MARCUS: And the staff has agreed to --

MR. GENTILE: A larger single sign.

COMMISSIONER MARCUS: -- your existing sign that's there, or an existing sign.

MR. ROBINSON: To be -- yeah, to be larger and to relocate it into a --

COMMISSIONER MARCUS: More central location?

MR. ROBINSON: Right.

COMMISSIONER MARCUS: So they're currently allowed to do how many feet high did you say?

MR. ROBINSON: They're currently allowed to do six-foot -- no.

COMMISSIONER MARCUS: Okay.

MR. GENTILE: No, 10.

COMMISSIONER MARCUS: Ten? So you would allow them to do a 10-foot sign?

MR. GENTILE: Ten.

MR. ROBINSON: We would allow them --

COMMISSIONER MARCUS: Centrally located. Okay.

MR. ROBINSON: Yes.

COMMISSIONER MARCUS: Okay.

MR. GENTILE: Yeah. The condition was provided for when we came through several years ago for the signage for the one sign, but the Code actually allows three signs on this property.

COMMISSIONER MARCUS: But there was a condition back then for --

MR. GENTILE: Yes --

COMMISSIONER MARCUS: -- a reason.

MR. GENTILE: Yes, and that's why we're here asking for --

COMMISSIONER MARCUS: Well, there must have been a reason for the condition because somebody asked for it, like maybe the neighborhood.

We do have one card from the public. Miriam Mara. Miriam.

MS. MARA: Hi.

COMMISSIONER MARCUS: Hi.

MS. MARA: My name is Miriam Mara, and I am both a resident of Boca Lago, which is next door, and I am also -- have been a volunteer at the Kabbalah Center for over five years now.

And rarely a day goes by, if ever a day has gone by, when somebody has not come in and say they completely missed the building altogether and had to make a series of U-turns to get there

On Palmetto Park Road people drive really fast, and when you're coming -- when you're driving west, you go over this, you know, hill and curve to the right, and you just cannot see the

Kabbalah Center at all until you've actually passed it, at which point you then have to cut over into the left-hand lane, which is three lanes over, make a U-turn, come onto, again, 70-mile an hour traffic where you might have to wait five or 10 minutes and come and make another U-turn into the place where you're curving.

People of all ages come here, older people, younger people, people in wheelchairs, you know, all -- it's really, really dangerous to miss the turn altogether and with no identification whatsoever, I mean it's just going to continue to happen.

We've actually seen numerous accidents happen there, not necessarily people coming to the Kabbalah Center but in front of the Kabbalah Center because there's a left-hand U-turn lane, and it's really dangerous.

So I'm also a resident of the area, and there are -- other than the Addison Place, which you saw the sign of the very first one that the staff showed, there are no other residents -- residential areas for quite awhile, and there's no possibility of building any because it's all a buffer zone.

So I just want to say it's a -- as a resident and as a volunteer at the center, I think it would be in the interest of public safety for there to be a second sign.

The other thing is that if there were a larger sign centrally located, there is a -- there's a sidewalk, and then there's a five-foot some kind of buffer zone, and there's a 15-foot setback, which means a larger sign centrally located would be 20 feet in from the sidewalk, which means you wouldn't see it literally at all because there's so much vegetation and all of that is required by the whatever Code it is that requires the number of trees, that if there were larger signs centrally located, you literally wouldn't see it ever, period.

There's also a buffer thing that goes up, and so that sign would have to be 20 feet in from the sidewalk, which means there -- nobody would see it at all.

Thank you.

COMMISSIONER MARCUS: Thank you very much.

Questions by the Board?

Commissioner McCarty.

COMMISSIONER McCARTY: Yeah, I just, I think -- I don't -- I don't think that this is something you just sort of casually as you're driving along turn in to as a surprise. I think people are generally going there because they're going there, and they're looking for it and

probably told after you go over the overpass it's on the right.

I just -- I see people with a sign, with a second sign there wanting to turn right there. Wasn't there like a drive or something in that where that --

MR. GENTILE: That is an access drive there, as well.

COMMISSIONER McCARTY: Yeah.

MR. GENTILE: Yes.

COMMISSIONER McCARTY: So people thinking that's the entryway.

I think the one sign is fine, and the larger -- the larger size -- I think what staff has recommended is fine.

I don't want to get into these precedents of doing more than we -- more than we originally set out in the condition.

COMMISSIONER AARONSON: Well --

COMMISSIONER MARCUS: Commissioner Aaronson.

COMMISSIONER AARONSON: I think the young lady that was up here is 100 percent correct.

Unless you have traveled that road and passed the center, you will miss it. There'll be more people -- even if they know where they're going, when I say by know where they're going, know the vicinity that they're going to, fact is they will pass it, miss it, and have to make a U-turn, and that will cause more harm and more accidents than if you allow the sign.

Fact is it is a learning center. It is something that learning centers should have, the identification and be able to be seen by the public, and I see no reason to deny it.

I can understand Commissioner McCarty's point of view that, you know -- but I think that she doesn't realize how many people want to go there for a first time experience to see what they're -- what Kabbalah is about and does not know where it is, and without having the sign you will have this constant U-turning on Palmetto Park Road coming back, and then once again going around.

And then many people will be lost and looking for it and traveling a farther distance down the road and then have to come all the way back.

So I think identification of a house of learning is something that's very good.

Thank you.

COMMISSIONER MARCUS: It would probably be helpful to know, and I don't know if we can find that out, why we conditioned it to one sign way back when because there was obviously a reason, a

neighborhood group, somebody asked us for it, because the Code allows for three; correct?

MR. Mac GILLIS: Correct. Currently, yes.

COMMISSIONER MARCUS: The Code currently and back then?

MR. Mac GILLIS: Probably back in the original Code, yes --

COMMISSIONER MARCUS: So if there is a reason to go one instead of three or two or whatever, that would -- for me, I don't want to, you know, do something -- change something when -- and this happens to us a lot.

We promise people things, and then they aren't aware of things that might be happening, and all of a sudden -- I mean it's not -- it's just a sign, but still, obviously we agreed to something.

George, can you shed some light on that?

MR. GENTILE: Commissioner, well, we had no -- I did the original petition for the facility, and we had no objections to the -- to the center going in there. There was no one that came in that I can recall.

It is a policy that you all have done with religious institutions and those that you've limited them to one sign, although your Code has not changed to that.

COMMISSIONER MARCUS: Why --

MR. GENTILE: So it makes it difficult for us --

COMMISSIONER MARCUS: Why have we done that policy?

MR. GENTILE: I -- I really don't know. I can't answer.

MR. Mac GILLIS: Well, the Code says three, but generally that's for a commercial site which generally would have multiple tenants in it so you'd need additional signage.

I guess we were figuring one use on the site. The Board has consistently supported a condition when staff has recommended it on places of assembly, limiting it to one sign.

Occasionally we do recommend another sign if there's multiple uses on the site, but when there's only one facility on the site, and it's -- we allow it larger, the --

COMMISSIONER MARCUS: Do you take into consideration location or curves or visuals or -- no?

MR. Mac GILLIS: Yeah -- well --

COMMISSIONER MARCUS: Yeah?

MS. HERNANDEZ: The site -- the site is surrounded predominantly by residential, so they also took that into consideration.

COMMISSIONER MARCUS: Okay. All right.

So, somebody want to make a motion or --

COMMISSIONER AARONSON: Well, I'll -- I'll make a motion to allow the two signs.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson.

Is there a second?

CHAIRPERSON GREENE: Second.

COMMISSIONER MARCUS: Second by Commissioner Greene.

Under discussion, yes.

MS. HERNANDEZ: Well, if we want to approve it, we want to add some conditions into the staff report.

COMMISSIONER MARCUS: She is.

MS. HERNANDEZ: Add some conditions into the staff report for the second sign, if you want to approve it.

COMMISSIONER MARCUS: Okay.

MS. HERNANDEZ: Okay. So it would read, "A maximum sign height measured from finish grade to the highest point 10-foot at the western entrance and six-foot height at the eastern entrance. The maximum sign face area per side, 100 square feet for the western entrance and 42 square feet for the eastern entrance."

COMMISSIONER MARCUS: And that's --

MR. GENTILE: No problem with that at all.

COMMISSIONER MARCUS: Motion by Commissioner Aaronson, and the second by Commissioner Greene.

Under discussion, so you haven't built the 10-foot sign in the center at all so we don't --

MR. GENTILE: None of the signs have been built yet.

COMMISSIONER MARCUS: So we don't know if that works?

MR. GENTILE: Well, there is a -- there was a temporary sign there.

COMMISSIONER MARCUS: Right, I -- it just would seem to me that you haven't put the permanent one in to see whether or not that works, so -- all right.

We have a motion and a second.

All in favor.

COMMISSIONER AARONSON: Aye.

CHAIRPERSON GREENE: Aye.

COMMISSIONER SANTAMARIA: Aye.

COMMISSIONER KANJIAN: Aye.

COMMISSIONER MARCUS: All opposed.

COMMISSIONER McCARTY: Aye.

COMMISSIONER MARCUS: Aye. Show the motion passes, 4-2, with Commissioners McCarty and Marcus voting no.

MR. GENTILE: Thank you, Commissioners.

COMMISSIONER MARCUS: Thank you.

COMMISSIONER MARCUS: Item No. 34.

MR. Mac GILLIS: I just wanted to bring this to the Board's attention.

We had a request. We met with -- Barbara Alterman and myself met with the Gold Coast representatives.

There's a provision in the sign Code that limits temporary signs to -- for residential developments 'til either when three years or until 80 percent of the development has received CO.

Gold Coast has indicated they have some concerns with this because they actually issue -- they get COs on homes before they're sold, and with the slow-down in the market right now one or two developments they have have come to the point where they 're more than 80 percent built out but they haven't sold the units, so they're asking for some leniency, either to amend the Unified Land Development Code or they be able to seek variances on these properties as they come in.

So at this moment we don't know if it's one or two, and as Barbara and I recommended not to amend the Code at this time, to allow them to come in on individual variances, but I wanted to bring it to the attention of the Board just in case any commissioner had concerns with these signs.

They're temporary signs. You may see them, you know, how many units are left in the development or for sale, that they could be getting variances.

You would be notified, obviously, 'cause we send you that report that somebody'd be coming in your district to seek a variance to a -- to exceed the three years.

We -- generally, we would put a condition on the variance it'd be good for a year with one-year time extension. So it'd be a maximum of two years that it could be beyond its time that it had to come down.

COMMISSIONER MARCUS: Yeah, I would -- I agree that you don't want to change the Code.

Just allow them to come in on a case-by-case is fine.

MR. Mac GILLIS: Okay.

COMMISSIONER MARCUS: I don't know if anybody has any objection.

MR. Mac GILLIS: Okay. That's all.

COMMISSIONER MARCUS: Okay.

MR. Mac GILLIS: Thank you.

COMMISSIONER MARCUS: Planning comments?
Planning -- no comments?

No, that -- 35 got deleted.

MR. Mac GILLIS: Yeah.

COMMISSIONER MARCUS: Commissioner
comments.

I had one request that I'd like to pass on to Barbara and take back to the Planning Department.

At the Regional Planning Council meeting on Friday there was a guest columnist, Tom Pelham, the head of DCA, made some suggestions about how local governments could start addressing plan reviews, and it has -- it's sort of in response to Hometown Democracy, how we can do that at a local level, as opposed to having the constitutional amendment, and he had some good options like not doing twice a year Comp Plan changes, maybe doing once a year.

And I'd like to -- if the Board agrees, we can give this to -- I think he's going to talk about this -- Florida Association of Counties is going to be discussing this, too, but I thought we'd give it to the staff and let them look at these options and maybe, you know, decide if we want to look at them, and I'll send a copy of this around -- yeah, I'll do this to everybody.

COMMISSIONER McCARTY: Maybe we could do a workshop on them.

COMMISSIONER MARCUS: Yeah, they actually -- some of them make some sense, and it says what we -- if we're proactive like this, then maybe the public doesn't feel like we're doing so much to offend them all the time, and that's what he's recommending that we sort of look at.

So I thought maybe we'd be on the first edge of it, and I'll give -- I'll make a copy of the article for everybody, and then I'll get it to Barbara and to Bob Banks.

COMMISSIONER KANJIAN: Madam Chair.

COMMISSIONER MARCUS: Commissioner Kanjian.

COMMISSIONER KANJIAN: I would love -- got a question on that.

I have sent a couple letters to Leslie Blackner, the leader of Hometown Democracy, who lives just across the Intracoastal from us, and requested several meetings with her to try to understand Hometown Democracy, and she hasn't had the opportunity to return my call or my letters.

And I would think that maybe Commissioner Greene and her office would invite Ms. Blackner to come as part of our workshop to give us some indication, since she is just across the street, seems not to be communicative too much about her issue, other than in other venues, but this would be a wonderful opportunity for us to see the leader of Hometown Democracy and exactly why they think it's important.

I would like to maybe suggest we invite her.

COMMISSIONER MARCUS: Reach out to her?

Yeah, I actually have met with her, and I think some of the suggestions he has, like, you know, he said the Comp Plan is supposed to be your 10-year vision of the community, and you change it twice a year, you know, and those kinds of points that he makes makes sense to where the public says wait a minute, we thought we had this vision, and now you're changing it.

So it's a suggestion I think he wants to try to do and some other -- so I think we can bring it back and let the staff talk to us about it and then invite her also.

So, any other comments by the Board?

COMMISSIONER McCARTY: Yes.

COMMISSIONER MARCUS: Commissioner McCarty.

COMMISSIONER McCARTY: I think I -- did y'all get something? I supposed -- I sent you all a memo, supposed to have. Okay. Good.

Just wanted to ask if you have any objection to my asking staff to initiate with the towns of Boynton Beach, Ocean Ridge, Gulfstream and Briny Breezes to see if we can look at doing an overlay of that A1A area that is kind of a jumble of jurisdictions and maybe work with Treasure Coast to try and come forward with some kind of an overlay in that area, and if there is no objection, we'd like to just move forward with that.

COMMISSIONER MARCUS: No objection? Okay.

COMMISSIONER McCARTY: Thank you.

COMMISSIONER MARCUS: Anything else?

COMMISSIONER McCARTY: Just one thing. I was meeting with some people, and they were some residents. They're very excited about the prospects of Hometown Democracy, and I just said to them, I said so let me get this straight. If

there's going to be any zoning changes or land use changes, it would have to go to referendum, and it would seem to me that the only -- so it's like a campaign, and the only entity out there with money to promote the campaign would be the developer, and they would be selling the information and sending out all the mailers, and the public would only be getting that side.

And these people are at the table with me, kind of their mouths kind of hung up, and they said, oh, that's -- that's right.

I said instead right now you just have to convince the people that, you know, a majority of the people that you elect and, you know, with your votes, but otherwise it would seem to me that you're really handing over the process to a campaign being funded by the developer.

So I just -- people better be careful what they ask for because --

COMMISSIONER MARCUS: Yeah.

COMMISSIONER McCARTY: -- it may be a whole new world out there.

COMMISSIONER MARCUS: And I think that's what Tom says in his article, and that's why I think he talks about one of the biggest problems is the frequency of the amendments, and there's no -- nobody can take a pause and say, okay, I only have to do this every two years, and, yeah, it may be a long meeting, but, you know, we don't have them as frequently as possible, so --

COMMISSIONER AARONSON: Well, you have that situation now coming up on January 29th.

The governor is allowed to go out and ask whoever he wants for money, and, certainly, we do know that the governor has the ability to raise more money than anybody else, and we don't have that same opportunity when we try to bring forward the County's position or the municipality's position.

When it was mentioned at some point, and I happen to agree that we should not use public money to do it, but when somebody had mentioned it, I mean it was -- there was a furor, and rightfully so, but how do we go ahead and get our message out?

COMMISSIONER MARCUS: We just use our office.

Commissioner Santamaria.

COMMISSIONER SANTAMARIA: Don't underestimate people power. I think -- I think people are getting more involved and more active in participating in government and are willing to spend the money to support or oppose important issues that affect them.

So that's all I can say -- in the past, yeah, I agree, the past developers and specialty

interests with the big bucks have overpowered the people who have been relatively silent in most cases, but I wouldn't underestimate the power of the people as they get more involved in government.

COMMISSIONER AARONSON: I'm not underestimating the power, but on the January 29th issue I think those of us who are in support of not having the legislature get their way, so to speak, with the taxes have to do a very good job of getting out there and selling it to our public.

I think it behooves us to visit the communities.

COMMISSIONER MARCUS: Commissioner Greene, and then Commissioner McCarty.

Wrong button.

CHAIRPERSON GREENE: I need to ask Mr. Weisman.

Remember we were talking about public relations, doing the pros and cons for the public. Whatever happened to that?

COMMISSIONER MARCUS: Did we talk to him about that?

CHAIRPERSON GREENE: Yup, because the media wrote it one way, made it seem that I was using taxpayers' money to just give them one side, but I was really trying to give them both sides.

COMMISSIONER MARCUS: I don't remember talking about it.

COMMISSIONER McCARTY: Yeah, we haven't -- we haven't discussed it as a group as to what -- but maybe he -- we need to get him to at least give us a handout of what it is for now and look and see what he says.

And that's my concern about January 29th is it's being sold to people as an opportunity to reduce our taxes, but, really, it depends on the situation you're in, whether or not it will reduce your taxes or not, and everybody, you know, nobody is immortal so everybody is -- at some point property's going to change hands.

If this thing -- if this thing passes, at some point your property will go to the new system, and I think everybody has -- needs to be educated and helped to look at -- and the Property Appraiser has that tax calculator -- to see what their property, what it would mean for their property.

And you may not intend to move right now, but if you ever move, for whatever reason you want to downsize, you want to upsize, or you get transferred in your job or for whatever reason you don't anticipate and then the new system kicks in, you need to look and see what your tax situation would be.

And for a lot of people it's being sold as a savings, and it really will be an increase. So it's a whole different -- it's actually a way to get rid of Save our Homes, and people just need to understand that.

COMMISSIONER MARCUS: But it also doesn't help those that have been affected the most, which is the non-homesteaded.

COMMISSIONER McCARTY: Does not solve the problem at all.

CHAIRPERSON GREENE: So do I have the support of this Board that we ask Mr. Weisman to -- what do you want?

Do we ask Mr. Weisman to let Public Affairs do the pros and cons?

COMMISSIONER McCARTY: Yeah, just put together a handout, and let's look at what it is, and then maybe see where we want to go from there, just the pros and cons.

CHAIRPERSON GREENE: So give us the handout?

COMMISSIONER McCARTY: Yes, for now.

COMMISSIONER MARCUS: For now.

CHAIRPERSON GREENE: This is September.

COMMISSIONER McCARTY: So then we can talk about whether or not we want to mail it in water bills, or do we -- how long is it, how big is. We want to --

COMMISSIONER MARCUS: Yeah, we really need to think about how we're going to approach this.

COMMISSIONER AARONSON: I think getting out --

COMMISSIONER MARCUS: The Association of Counties is trying to take a position or trying to figure out what its position should be --

CHAIRPERSON GREENE: I'm just saying we need to do something now because it's September.

COMMISSIONER MARCUS: I know, but it may be that we're the -- we're the wrong ones to do it. We, you know, you look in the mirror, we be the enemy.

COMMISSIONER McCARTY: Well, I just brought together all of my --

COMMISSIONER MARCUS: Okay. Right. Well, no --

COMMISSIONER McCARTY: -- municipal leaders -- well, I think it depends on the audience. Some people, they would like to hear from a firefighter or a police officer. Some people would like to hear from their mayor. Some people would like to hear from their civic association.

But the thing is they need to have the information available, and -- but first we need to see a draft of what that would be.

COMMISSIONER MARCUS: I just want you to know that I didn't bring this up.

COMMISSIONER KANJIAN: I was going to say, Madam Chair, I don't know how this is really affecting zoning, but -- 'cause we've gone off -- got off a little bit on it, but it is an issue, and I think the people should be involved with and not after everyone's left here on a meeting.

We should set it up to allow folks --

COMMISSIONER MARCUS: No, I think what she was asking was that Mr. Weisman put something together and give it to us --

COMMISSIONER KANJIAN: No, no, I understand. I understand what her point was, but we got off -- Commissioner Aaronson got us off on the tax subject, which, of course, is what I love to talk about. Thank you, Commissioner McCarty.

So -- but I would love to have an opportunity, but maybe we should just schedule that. I mean we're all here -- maybe we should schedule, have the public and their input on what they think we should do.

COMMISSIONER MARCUS: And I think that's what Commissioner Greene was asking for.

Right.

MS. ALTERMAN: Madam Chair --

COMMISSIONER MARCUS: Barbara.

MS. ALTERMAN: -- just in case Bob isn't listening so I can maybe relay this to him. I'm sure you will, anyway.

But you're asking him to put together the pros and cons of doing a public relations -- I'm not sure what you're asking.

COMMISSIONER McCARTY: No, no. The pros and cons of the issue, of the issue.

MS. ALTERMAN: Okay.

COMMISSIONER McCARTY: 'Cause there's more than one -- there's about five questions on that ballot language, and since the legislature is not held to the same standard as the rest of us, they can put more than one question.

So there's about five different questions, and the pros and cons of somebody voting for or against each of those issues.

You know, they talk about affordable housing. Well, they're only talking about subsidized affordable housing, not affordable housing.

So there's just different things that need to be clarified.

COMMISSIONER AARONSON: Isn't it wonderful that the legislature can do what we can't do?

COMMISSIONER McCARTY: Yeah, there's a limitation of words, but not for the legislature. It's about -- it's this long, the question.

It's -- you know, they should be shot just for that.

COMMISSIONER MARCUS: If there's no other discussion, we are adjourned.

(Whereupon, the meeting was adjourned at 11:45 a.m.)

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C E R T I F I C A T E

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I, Sophie M. (Bunny) Springer, Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 5 through 62, inclusive, comprise a true and correct transcription of the Board of County Commissioners hearing.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor have I any financial interest in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4th day of October, 2007.

Sophie M. Springer, Notary Public.